

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० २९] नई दिल्ली, शनिवार, जुलाई १८, १९७०/आषाढ़ २७, १८९२
No. २९] NEW DELHI, SATURDAY, JULY 18, 1970/ASADHA 27, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 15th June 1970

S.O. 2378.—Whereas the Election Commission is satisfied that Shri Gulzari, R/o Village and Post Office Balli, District Bareilly, Uttar Pradesh a contesting candidate for election to the Uttar Pradesh Legislative Assembly from Shergarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gulzari, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/55/69(48).]

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 15 जून, 1970

एस० नो० 2378.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए शेरगढ़ सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गुलजारी निवासी गांव वडा० बल्ली, जिला बरेली उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गुलजारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[स० उ० प्र०-वि० सं०/55/69(48)]

S.O. 2379.—Whereas the Election Commission is satisfied that Shri Nathu Lal, R/o village Abhpura alias Jokhanpur, Post Office Sahora, District Bareilly, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from Shergarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nathu Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/55/69(49).]

एस० नो० 2379—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए शेरगढ़ सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नत्थु लाल निवासी गांव अभूपुरा उर्फ जोखनपुर, डा०-सहोडा, जिला बरेली, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नत्थु लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है ।

[स० उ० प्र०-वि० सं०/55/69(49)]

New Delhi, the 18th June 1970

S.O. 2380.—Whereas the Election Commission is satisfied that Shri Azizul Haque, 5A Free School Street, Calcutta-16, a contesting candidate for the mid-term election held in February 1969, to the West Bengal Legislative Assembly from 133-Bow Bazar constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder:

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Azizul Haque to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/133/69(22).]

नई दिल्ली, 18 जून, 1970

एस० प्रो० 2380.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी 1969 में हुए मध्यावधि निर्वाचन के लिए 133-बहुबाजार निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अजीजुल हक 5-ए फ्री स्कूल स्ट्रीट कलकत्ता-16 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अजीजुल हक को संसद के दोनों सदनों में से किसी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० व०-वि०न०/133/69(22)]

New Delhi, the 22nd June 1970

S.O. 2381.—Whereas the Election Commission is satisfied that Shri Thouchom Komlajao R/o Heinggang Mayai Leikai (Manipur) a contesting candidate for election to the Manipur Legislative Assembly from Sagolmang Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Thouchom Komlajao, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MR-LA/1/67(41).]

नई दिल्ली 22 जून, 1970

एस० प्रो० 2381.—यतः निर्वाचन आयोग का समाधान हो गया है कि मनीपुर विधान सभा के निर्वाचन के लिए सागोलमांग निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री थोउचोम कोमलाजाओ

निवासी हींगगांग मायाई, लीकाई (मनीपुर), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री थोउचोम कोमलाजाओं को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० मनी०-वि० सं० 1/67 (41)]

S.O. 2382.—Whereas the Election Commission is satisfied that Shri Kaiya Malpaharia, Merryview Tea Estate, P.O. Hatighisa, Darjeeling (West Bengal), a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from Phansidewa constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kaiya Malpaharia to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/24/69(23).]

एस० ओ० 2382—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए फांसीदेवी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कइया माल पहाड़िया, मेरीविपुटी एस्टेट, पो-हाथीघोसा दार्जिलिंग (पश्चिमी बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कइया माल पहाड़िया को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० ब०-वि० सं० 24/69(23)]

S.O. 2383.—Whereas the Election Commission is satisfied that Smt. Teressa Soreng Chacko, Bandi, Ward No. 1 (Hansqua), P.O. Bagdogra, Darjeeling (West Bengal), a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from Phansidewa constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Smt. Teressa Soreng Chacko to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/24/69(24).]

एस०ओ० 2383.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए फांसी देवा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्रीमती तेरेसा सोरेंग चाको, बंदी, वार्ड नं०-1, (हंसुका) पो० बगडोगरा, दार्जिलिंग (पश्चिमी बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

“नः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्रीमती तेरेसा सोरेंग चाको को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश को तारीख से तीन वर्ष की कालावधि के लिए निर्राहित घोषित करता है ।

[सं० प० ब०-वि०स०/24/69(24).]

New Delhi, the 23rd June 1970

S.O. 2384.—Whereas the Election Commission is satisfied that Shri Mangal Rajwar, Village Dalahitnr P.O. Bahra, P.S. Para, District Purulia (West Bengal), a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 227-Para constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mangal Rajwar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/227/69(25).]

नई दिल्ली, 23 जून 1970

एस० ओ० 2384.—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 227-पारा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मंगल रजवार, ग्राम-दलहितनर पो०-प्रा० बाहरा थाना पारा जिला पुरुलिया (पश्चिमी बंगाल) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मंगल रजवार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० ब०-वि० सं०/227/69 (25).]

New Delhi. the 27th June 1970

S.O. 2385.—Whereas the Election Commission is satisfied that Shri Mohd. Habibur Rahim, 102, Ripon Street, Calcutta-16, a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 82-Barasat Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mohd. Habibur Rahim to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/82/69(27).]

नई दिल्ली, 27 जून, 1970

एस० ओ० 2385.—यतः, निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 82, बारसत, निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोहम्मद हबीबुर रहीम, 102, रिपन स्ट्रीट, कलकत्ता-16, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोहम्मद हबीबुर रहीम को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० ब०-वि० सं०/82/69 (27).]

S.O. 2386.—Whereas the Election Commission is satisfied that Shri Monoranjan Bhowmick, C.H. Medical Hall, P.O. Habra, Habra Bazar, 24-Parganas (West Bengal) a contesting candidate for the mid-term election held in February, 1969, to the West Bengal Legislative Assembly from 85 Habra Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Monoranjan Bhowmick to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/85/69(26).]

By Order,

V. NAGASUBRAMANIAN, Secy.

एस० श्री० 2386:—यतः निर्वाचन आयोग का समाधान हो गया है कि पश्चिमी बंगाल विधान सभा के लिए फरवरी, 1969 में हुए मध्यावधि निर्वाचन के लिए 85, हाबड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोनोरंजन भौमिक, सी० एच० मैडीकल हॉल, पो० हाबड़ा, हाबड़ा बाजार, 24 परगना (पश्चिमी बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोनोरंजन भौमिक को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० ब०-वि० सं०/85/69(26).]

आदेश से,

वी० नागसुब्रमण्यन, सचिव ।

ORDER

New Delhi, the 23rd June 1970

S.O. 2387.—Whereas the Election Commission is satisfied that Shri Zubair Alam Zafri, R/o village Kopa, P.O. Singhara, District Patna (Bihar), a contesting candidate for the mid-term election to the Bihar Legislative Assembly held in 1969 from 3-Ramnagar Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Zubair Alam Zafri to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/3/69(99).]

By Order,

ROSHAN LAL, Secy.

आदेश

नई दिल्ली, 23 जून, 1970

एस०ओ० 2387.—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए 1959 में हुए मध्यावधि निर्वाचन के लिए 3-रामनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जुबैर आलम जाफरी, निवासी, ग्राम कोपा, पो०—सिधाड़ा, जिला पटना (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री जुबैर आलम जाफरी को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की नावावधि के लिए निर्रहित घोषित करता है ।

[सं० बिहार-वि०सं०/3/69 (99).]

आदेश से,

रोशन लाल, सचिव ।

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 25th June 1970

S.O. 2388.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Revised Leave Rules, 1933, namely:—

1. (1) These rules may be called the Revised Leave (Amendment) Rules, 1970.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Revised Leave Rules, 1933, in sub-rule (c) of rule 14, for the words "be deemed to have resigned his appointment and shall, accordingly, cease to be in Government employ", the words, brackets and figures, "be removed from service after following the procedure laid down in the Central Civil Service (Classification, Control and Appeal) Rules, 1966" shall be substituted.

[No. F.16(2)-E.IV(A)/70.]

C. JAGTIANI, Under Secy.

(Department of Expenditure)

New Delhi, the 26th June 1970

S.O. 2389.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and of all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the

President hereby makes the following rules further to amend the Fundamental Rules, namely:—

1. (1) These rules may be called the Fundamental (Third Amendment) Rules, 1970.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Fundamental Rules, for the heading of Chapter IX, the heading "Retirement" shall be substituted.

[No. 7(3)-RV/70.]

R. P. SAKSENA, Under Secy.

(Department of Banking)

New Delhi, the 3rd July 1970

S.O. 2390.—In exercise of the powers conferred by section 53, read with section 56, of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sections 18 and 24 of the said Act in so far as they relate to the percentages specified therein shall not apply to the Goa State Co-operative Bank Limited (hereinafter referred to as the said Bank) upto the 3rd July, 1996 in respect of the liabilities arising out of the loans to be availed of by the said Bank from any corporation established by or under an Act of Parliament for the purpose of financing housing co-operative societies in the Union Territory of Goa, Daman and Diu.

Provided that in computing the percentage of assets which the said Bank is required to maintain under clause (a) of sub-section (2A) of section 24 of the said Act in respect of all other demand and time liabilities, the approved securities, if any, representing investment of the sinking fund created by the said Bank for the purpose of ensuring the due repayment of the loans referred to in this notification shall be excluded.

[No. F.18/11/69-SB.]

L. S. P. SARATHY, Under Secy.

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 3 जुलाई 1970

एस० नो० 2390—बैंकिंग विनियमन अधिनियम 1949 (1949 का दसवां) की धारा 56 के साथ पठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 18 और 24 के उपबन्ध जहाँ तक कि उनका सम्बन्ध उनमें उल्लिखित प्रतिशतांशों से है, गोआ स्टेट कोऑपरेटिव बैंक लिमिटेड (जिसे यहाँ आगे उक्त बैंक कहा गया है) पर, 3 जुलाई 1956 तक, उन ऋण सम्बन्धी दायित्वों के विषय में लागू नहीं होंगे जो कि गोआ, दमन और दीव के संघीय राज्य क्षेत्र में सहकारी आवास समितियों के वित्त घोषणा के प्रयोजन के लिए संसद के अधिनियम के द्वारा या अन्तर्गत स्थापित किसी निगम के उक्त बैंक द्वारा लिये जायेंगे।

परन्तु, अन्य सभी मांगदेय और सावधि दायित्वों के सम्बन्ध में परिसम्पत्तियों के जिस प्रतिशत को बनाए रखना उक्त बैंक के लिए उक्त अधिनियम की धारा 24 की उपधारा (2क) के खण्ड (क) के अन्तर्गत आवश्यक है। उसका हिसाब लगाते समय इस अधिसूचना में उल्लिखित ऋणों की देय वापसी अदायगी को सुनिश्चित करने के प्रयोजन के लिए उक्त बैंक द्वारा स्थापित निक्षेप निधि के निवेश की शर्तक यदि कोई अनुमोदित प्रतिभूतियाँ हों तो उन्हें शामिल नहीं किया जायेगा।

[संख्या एफ० 18/11/69-एस० बी०]

एस० एस० पार्यसारथि, अनुसचिव।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 9th June 1970

S.O. 2391.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Shantesh Maruthi Devasthan, Hirekerur, Dist. Dharwar to be of archaeological and artistic importance for the purposes of the said section.

[No. 95—F.No. 16/1/69-IT(AI).]

S. N. SHENDE, Under Secy.

(राजस्व और बीमा विभाग)

आयकर

नई दिल्ली, 9 जून, 1970

एस० नो० 2391—आयकर अधिनियम 1961 (1961 का 43) धारा 80G की उपधारा (2) (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री शान्तेश मारुथि देवस्थान, हीरेकरूर, जिला धारवाड़ को उक्त धारा के प्रयोजनों के लिए पुरा तात्विक और कलात्मक महत्व का अधिभूचित करती है।

[सं० 95 फा० सं० 16/1/69-आई० टी० (ए० आई०)]

एस० एन० शेडे, अवर सचिव।

CENTRAL BOARD OF EXCISE AND CUSTOMS

CUSTOMS

New Delhi, the 4th July 1970

S.O. 2392.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Ludhiana in the State of Punjab to be a warehousing station.

[No. 58/70-Customs/F. No. 3/27/70-Cus.VII.]

P. K. KAPOOR, Under Secy.

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

सीमा शुल्क

नई दिल्ली, 4 जुलाई, 1970

एस० नो० 2392—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, पंजाब राज्य में लुधियाना को एतद्वारा भाण्डागारण स्टेशन घोषित करता है।

[सं० 58/70-सीमा शुल्क/एफ० सं० 3/27/70 -सी० नं०]

पी० के० कपूर, अवर सचिव।

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 21st March 1970

S.O. 2393.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in the column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts
1	2
Ernakulam.	<ol style="list-style-type: none"> 1. Income-tax Circle, Kottayam. 2. Companies Circle, Ernakulam. 3. Salaries Circle, Ernakulam. 4. Income-tax Circle, Mattancherry. 5. Income-tax Circle, Tiruvalla. 6. Survey Circle, Ernakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above. 7. Central Circle, Ernakulam. 8. Estate Duty <i>cum</i> Income-tax Circle, Ernakulam.
Trichur.	<ol style="list-style-type: none"> 1. Income-tax Circle, Cannanore. 2. Income-tax Circle, Calicut. 3. Companies Circle, Calicut. 4. Income-tax Circle, Trichur. 5. Income-tax Circle, Palghat. 6. Income-tax Circle, Alwaye. 7. Income-tax Circle, Eranakulam. 8. Special Survey Circle, Eranakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above. 9. Central Circle, Trichur (since abolished) 10. Estate Duty <i>cum</i> Income-tax Circle, Calicut.
Trivandrum.	<ol style="list-style-type: none"> 1. Income-tax Circle, Trivandrum. 2. Salary Circle, Trivandrum. 3. Companies Circle, Trivandrum (since abolished) 4. Income-tax Circle, Quilon. 5. Income-tax Circle, Alleppey. 6. Special Survey Circle, Ernakulam (since abolished) in respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax circles mentioned above. 7. Special Investigation Circle, Trivandrum (since abolished).

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of the assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 1st April 1970.

Explanatory Note

The amendment has become necessary consequent on account of abolition of one post of A.A.C. in the charge of Commissioner of Income-tax, Kerala and consequent reallocation of AAC's jurisdiction in Commissioner's charge.

(This note does not form part of the notification but is intended to be merely clarificatory).

[No. 32(F.No. 261/10/70-ITJ.)]

Y. SINGH, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली, 21 मार्च 1970

एस० ओ० 2393—आयकर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (i) द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए और इस सम्बन्ध में सभी पूर्व अधिसूचनाओं को अधिकांत करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि नीचे की अनुसूची के स्तम्भ में विनिर्दिष्ट रेंजों के सहायक आयकर आयुक्त (अपील) उसके स्तम्भ 2 में तत्स्थानी प्रविष्टि में विनिर्दिष्ट आय-कर सिकिलों, वार्डों और जिलों में आयकर या अधिकार के लिए निर्धारित सभी व्यक्तियों और आयों के बारे में अपने कृत्यों का पालन करेंगे :—

अनुसूची

रेंज	आय-कर सिकिल, वार्ड और जिले
एनर्गिकुलम	<ol style="list-style-type: none"> 1. आय-कर सिकिल, कोट्टायम 2. कम्पनी सिकिल, एनर्गिकुलम 3. वेतन सिकिल, एनर्गिकुलम 4. आय-कर सिकिल, मट्टान्चेरी 5. आय-कर सिकिल, तिरुवल्ला 6. सर्वेक्षण सिकिल, एनर्गिकुलम (अब उत्सादित) उन व्यक्तियों के बारे में जिनका कारबार का प्रधान स्थान या निवास ऊपर वर्णित आय-कर सिकिलों की अधिकारितायें हैं। 7. केन्द्रीय सिकिल, एनर्गिकुलम 8. सम्पदाशुल्क एवं आय-कर सिकिल, एनर्गिकुलम
त्रिचुर	<ol style="list-style-type: none"> 1. आय-कर सिकिल, कन्नानूर 2. आय-कर सिकिल, कालिकट 3. कम्पनी सिकिल, कालिकट 4. आय-कर सिकिल, त्रिचुर 5. आय-कर सिकिल, पालघाट 6. आय-कर सिकिल, आलुवाय 7. आय-कर सिकिल, एनर्गिकुलम

8. विशेष सर्वेक्षण सर्किल, एर्नाकुलम (अब उत्सादित) उन व्यक्तियों के बारे में जिनका कारबार का प्रधान स्थान या निवास ऊपर वर्णित आय-कर सर्किलों की अधिकारिता में है।
9. केन्द्रीय सर्किल, त्रिचुर (अब उत्सादित)
10. सम्पदा शुल्क एवं आयकर सर्किल, कालिकट

त्रिवेन्द्रम

1. आय-कर सर्किल, त्रिवेन्द्रम
2. वेतन सर्किल, त्रिवेन्द्रम
3. कम्पनी सर्किल, त्रिवेन्द्रम (अब उत्सादित)
4. आय-कर सर्किल, म्बिल्लैन
5. आय-कर सर्किल, एलेप्पी
6. विशेष सर्वेक्षण सर्किल एर्नाकुलम (अब उत्सादित) उन व्यक्तियों के सम्बन्ध में जिनका कारबार का प्रधान स्थान ऊपर वर्णित आय-कर सर्किलों की अधिकारिता में है या जो उक्त अधिकारिता में रहते हैं।
7. विशेष अन्वेषण सर्किल, त्रिवेन्द्रम (अब उत्सादित)

जहाँ इस अधिसूचना द्वारा कोई आय-कर सर्किल, वार्ड या जिला या उसका कोई भाग एक रेंज से दूसरी रेंज को अन्तर्गत हो गया हो वहाँ उस आय-कर सर्किल, वार्ड या जिले या उसके किसी भाग में निर्धारणों के परिणामस्वरूप की गई अपीलें, जो इस अधिसूचना की तारीख से ठीक पहले उस रेंज के सहायक आय-कर आयुक्त (अपील) के समक्ष लम्बित थी, जिससे वह आय-कर सर्किल या वार्ड या जिला या उसका कोई भाग अन्तर्गत कर दिया गया है, इस अधिसूचना के प्रभावी होने की तारीख से उस रेंज के, जिसको उक्त सर्किल, वार्ड या जिला या उसका कोई भाग अन्तर्गत कर दिया गया है, सहायक आयुक्त (अपील) को अन्तर्गत कर दी जाएगी और उनके सम्बन्ध में कार्यवाही उक्त सहायक आयुक्त (अपील) द्वारा की जाएगी।

यह अधिसूचना 1-4-1970 से प्रवृत्त होगी।

स्पष्टीकरण टिप्पण

यह सशोधन आय-कर आयुक्त, केरल के भारसाधन में एक सहायक आयुक्त (अपील) के पद के उत्सादन और परिणामस्वरूप आयुक्त के भारसाधन में सहायक आयुक्तों (अपील) की अधिकारिता के पुनराबंटन के कमरण आवश्यक हुआ है।

(यह टिप्पण अधिसूचना का भाग नहीं है बल्कि इसका आशय स्पष्टीकरण मात्र है)

[स० 32 (फा० स० 261/10/70-आई० टी० जे०).]

वाई सिंह, अवसर सचिव।

INCOME-TAX

New Delhi, the 15th June 1970

S. O. 2394.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961) and in supersession of its notification No. 44 I.T. dated 1st July, 1952 (as amended from time to time) in respect of Serial Nos. 13 and 15 B of the Schedule appended thereto, the Central Board of Direct Taxes hereby makes the following additions to the Schedule annexed to its notification No. S.O. 1800 dated 18th May, 1964:—

After Serial No. 56 in the said Schedule the following items shall be added —

1	2	3	4	5	6
57	(1) Non-resident shareholders of the Calcutta Electric Supply Corpn. Ltd., whose total income is made up of income wholly taxed at source or dividends or both.	ITO, B-Ward Refund Circle, Calcutta	I.A.C. of Income-tax who has been appointed to perform the function of an IAC of Income-tax, Refund Circle, Calcutta.	A.A.C. of Income-tax who has been invested with the powers to hear appeals against the decision of the ITO referred to in Col. 3.	Commissioner of Income-tax, West Bengal-I, Calcutta.
	(2) Persons [excluding those who fall under Sl. Nos. 69, 70 & 71 of the Schedule appended to Notification No. 44 I. T. dt. 1st July, 1952 and also those covered by (1) above] not residents in the taxable territories whose total income is over Rs. 10,000/- but not exceeding Rs. 25,000/- and total income is made up of income wholly taxed at source or dividends or both.	Second I.T.O. Non-Residents, Refund Circle Bombay City.	I.A.C. of Income-tax, PP-Range, Bombay.	A.A.C. of Income-tax, C-Range, Bombay.	Commissioner of Income-tax, Bombay City.
	(3) Persons [excluding those who fall under Sl. Nos. 69, 70 & 71 of the Schedule appended to Notification No. 44 I.T. dated 1st July, 1952 and also those covered by (1) above] not resident in the taxable territories whose total income does not exceed Rs. 10,000/- and total income is made up of income wholly taxed at source or dividends or both.	3rd ITO, Non-Residents Refunds Circle, Bombay City.	I.A.C. of Income-tax PP-Range, Bombay.	A.A.C. of Income-tax, C-Range, Bombay.	Commissioner of Income-tax, Bombay City.

This Notification shall take effect from the 1st July, 1970.

[No. F.187/2/70-IT(AI).]

आय-कर

नई दिल्ली, 15 जून, 1970

एस० ओ० 2394.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपनी अधिसूचना सं० 44 आई टी तारीख प्रथम जुलाई, 1952 (समय समय पर यथा संशोधित) को उससे उपाबद्ध अनुसूची की क्रम संख्या 13 और 15 के बारे में अधिकांत करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड अपनी अधिसूचना सं० का० आ० 1800 तारीख 18 मई, 1964 से उपाबद्ध अनुसूची में निम्नलिखित परिवर्धन एतद्वारा करता है :—

उक्त अनुसूची में क्रम सं० 56 के पश्चात् निम्नलिखित मर्दे जोड़ी जाएंगी :—

1	2	3	4	5	6
57(1)	कलकत्ता इलेक्ट्रिक सप्लाय कारपोरेशन लिमिटेड के अनिवासी भ्रंशधारक, जिनकी कुल आय स्रोत पर पूर्णतः लगाई गई आय या लाभान्श या दोनों से मिलकर बनी है।	आय-कर अधिकारी, खार्ड प्रतिदाय सिकिल, कलकत्ता ।	सहायक आय-कर आयुक्त (निरीक्षण) जिसे सहायक आय-कर आयुक्त (निरीक्षण), प्रतिदाय सिकिल कलकत्ता के कृत्यों का पालन करने के लिए नियुक्त किया गया है ।	सहायक आय-कर आयुक्त (अपील) जिसे स्तम्भ 3, में निविष्ट आय-कर अधिकारी के विनिश्चय के विरुद्ध अपील सुनने की शक्तियां विनिहित की गई हैं ।	आय-कर आयुक्त, बरिचम बंगाल 1, कलकत्ता
(2)	वे व्यक्ति [उनको अपवर्जित करके जो अधिसूचना सं० 44 आई० टी० तारीख प्रथम, जुलाई 1952 से उपाबद्ध अनुसूची की क्रम संख्या 69, 70 और 71 के अन्तर्गत आते हैं और उनको भी अपवर्जित करके जो ऊपर (1) के अन्तर्गत आते हैं] जो कराघेय राज्य-क्षेत्रों के निवासी नहीं हैं और जिनकी	द्वितीय आय कर अधिकारी अनिवासी, प्रतिदाय सिकिल, मुम्बई नगर ।	सहायक आय-कर आयुक्त (निरीक्षण) त त - रेंज मुम्बई ।	सहायक आय-कर आयुक्त (अपील), ग-रेंज, मुम्बई ।	आय - कर आयुक्त, मुम्बई नगर

1	2	3	4	5	6
	कुल आय 10,000 से अधिक है किन्तु 25,000 से अन- धिक है और कुल आय स्रोत पर पूर्णतः कर लगाई गई आय या लाभांश या दोनों से मिलकर बनी है ।				
(3)	वे व्यक्ति [उनको तृतीय आय- अपवर्जित करके जो कर अधिकारी, (निरीक्षण), त त- अधिसूचना सं० 44 अनिवासी रेंज मुम्बई । आई० टी० तारीख प्रतिवाय प्रथम जुलाई, सकिल, मुम्बई 1952 से उपाबद्ध नगर । अनुसूची की क्रम संख्या 69,70 और 71 के अन्त- र्गत आते हैं और उनको भी अप- वर्जित करके जो ऊपर (1) के अन्तर्गत आते हैं] जो कराधेय राज्यक्षेत्रों के निवासी नहीं हैं और जिनकी कुल आय 10,000 1-50 से अधिक है और कुल आय स्रोत पर पूर्णतः कर लगाई गई आय या लाभांश या दोनों से मिलकर बनी है।	सहायक आय-कर सहायक आय-कर आयुक्त (अपीस) । ग-रेंज मुम्बई । मुम्बई नगर			

यह अधिसूचना प्रथम जुलाई, 1970 से प्रभावी होगी ।

[सं० 5 फा० सं० 187/2/70- आई० टी० (ए० 1)]

New Delhi, the 16th June, 1970

S.O. 2395.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following additions to Schedule appended to its Notification No. 36 /F. No. 187/4/70-IT(AI), dated 28th April, 1970.

Income-tax Commissioners	Headquarters.	Jurisdiction.
1	2	3
11. Gujarat-I.	Ahmedabad	13. Special Investigation Circle-I, Ahmedabad.
11A. Gujarat-II.	Ahmedabad.	12. Special Investigation Circle-II, Ahmedabad.

This notification shall take effect from 8-5-1970.

[No. 105/F. No. 187/4/70-IT(AI).]

नई दिल्ली 16 जून, 1970

एस० ओ० 2395:—आय कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा अपनी अधिसूचना सं० 36 (फा० सं० 187/4/70-आई० टी० (ए० आई०)), तारीख 28 अप्रैल, 1970 के साथ संलग्न अनुसूची में निम्नलिखित परिवर्धन करता है ;

आयकर आयुक्त	मुख्यालय	अधिकारिता
1	2	3
11 गुजरात-I	अहमदाबाद	13 स्पेशल इन्वेस्टीगेशन सर्किल-I, अहमदाबाद
11क गुजरात-II	अहमदाबाद	12 स्पेशल इन्वेस्टीगेशन सर्किल-II, अहमदाबाद

यह अधिसूचना 8-5-1970 से प्रभावी होगी ।

[सं० 105 (फा० सं० 187/4/70-आई० टी० (ए० आई०))]

New Delhi, the 30th June 1970

S.O. 2396.—In exercise of the powers conferred by Section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that the Serial Nos. 13 and 15-B of the Schedule appended to its Notification No. 44-I.T. dated the 1st July, 1952 shall be treated as deleted with effect from the 1st July, 1970.

[No. 8/F. No. 187/2/70-IT(A.I.)]

नई दिल्ली, 30 जून 1970

एस० नो० 2396.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि उसकी अधिसूचना सं० 44-आई० टी० तारीख प्रथम जुलाई, 1952 से उपाबद्ध अनुसूची की क्रम सं० 13 और 15-ख को प्रथम जुलाई, 1970 से निकाल दिया गया माना जाएगा।

[एस०एन०शु सं० 8/का० सं० 187/2/70-आई० टी० (ए० आई०)]

अवर सचिव,

केन्द्रीय प्रत्यक्ष कर बोर्ड।

S.O. 2397.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby make the following amendment to the Schedule appended to its Notification No. 20 (F. No. 55/1/62-IT) dated the 30th April, 1963, published as S.O. 1239 at pages 1454—1457 of the Gazette of India, Part II, Section 3, sub-section (ii) dated the 11th May, 1963, as amended from time to time.

Against S. No. 12, under column 2 of the Schedule appended thereto, the existing entry shall be substituted by the following:—
'Bhopal'.

[No. 115/F. No. 187/8/70-IT(AI.)]

S. N. SHENDE, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 7th July 1970

S.O. 2398.—In exercise of the powers conferred by section 29 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. (1) These rules may be called the Indian Post Office (Sixth Amendment) Rules, 1970.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In clause (d) of sub-rule (1) of rule 66 of the Indian Post Office Rules, 1933, after the words "bill of exchange," the following words shall be inserted, namely:—
"dividend warrants, refund orders."

[No. 11/4/70-CI.]

T. E. RAMAN,

Director (Postal Technical).

(डाक-तार बोर्ड)

नई दिल्ली 7 जुलाई, 1970

अधिसूचना

एस० नो० 2398.—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने एतद्वारा भारतीय डाकघर नियमों में और आगे संशोधनार्थ निम्नलिखित नियमावली बनाई है, अर्थात् :—

1. (1) ये नियम भारतीय डाकघर (छटा संशोधन) नियम, 1970 कहलाएंगे।
(2) ये सरकारी राजपत्र में प्रकाशित होने की तारीख से लागू होंगे।
2. भारतीय डाकघर नियमावली, 1933 के नियम 66 के उपनियम (1) की धारा (घ) में "हुंड़ी" शब्द के बाद निम्नलिखित शब्द रखे जाएंगे :—
"खाभांश-अधिपत्र, धन वापसी आदेश,"

[सं० 11-410-सी० आई०]

टी० ई० रामान,
निदेशक, डाक तकनीकी

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)
(Indian Standards Institution)

New Delhi, the 6th July 1970

S.O. 2399.—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, modifications to the provisions of IS:2818—1964 Specification for Indian hessian have tentatively been made with a view to incorporating Indian hessian packed in roll form and expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standard. These modifications shall come into force with effect from 10th July, 1970.

[No. CMD/13:4.]

(DR.) A. N. GHOSH, Director General.

औद्योगिक विकास, आंतरिक व्यापार तथा कम्पनी मामलों में मंत्रालय।

(औद्योगिक विकास विभाग)

(भारतीय मानक संस्था)

नई दिल्ली, 6 जुलाई, 1970

एस० ओ० 2399.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 3 के उपविनियम (4) के अधीन मुझे प्राप्त शक्तियों के आधार पर आई० एस० 28-8-1964 भारतीय टाट (हैसियन) की विशिष्टि के उपबन्धों में कुछ परिवर्तन रोल रूप में लिपटे भारतीय टाट को सम्मिलित करने और मानक चिह्न लगाने के काम में शीघ्रता करने के उद्देश्य से किए गए हैं। इनके कारण तत्सम्बन्धी भारतीय मानक के अधीन माल की किस्म पर कोई प्रभाव नहीं पड़ेगा और ये परिवर्तन 10 जुलाई 1970 से लागू हो जायेंगे।

[संख्या सी० एम० डी० 13:4]

(डा०) ए० एन० घोष,
महानिदेशक।

MINISTRY OF PETROLEUM, CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 16th June 1970

S.O. 2400.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of

Petroleum) S.O. No. 1060, dated March 3, 1970 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands, specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands, specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

Laying Pipeline From D.S. No. SBB TO Sobhasan-1.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hectare	Arc	P. Arc.
HEBUVA	160	0	14	84
	165	0	12	38
	164	0	5	65
	168	0	9	00
	V. P. Road.	0	0	44
	221	0	2	50
	222	0	12	50
	223	0	00	25

[No. 11(1)/70-Lab.&Legis.]

M. V. S. PRASADA RAU, Under Secy.

पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय

(पेट्रोलियम तथा रसायन विभाग)

नई दिल्ली, 16 जून, 1970

का० आ० सं० 2400.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय की अधिसूचना का० आ० सं० 1060 तारीख 3 मार्च, 1970 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उद्योग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है और उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उद्योग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी विलगनों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डी एन संख्या एस एस बी से सोभासन-1 का पाइप लाइन बिछाना

राज्य गुजरात

जिला महसाना

तापुका महसाना

गांव	सर्वेक्षण संख्या	हैक्टर	आर	पी० आर०
हेबूवा	160	0	14	84
	165	0	12	38
	164	0	5	62
	168	0	9	00
डी०पी०रोड		0	0	44
	221	0	2	50
	222	0	12	30
	223	0	00	25

[स० ॥(1)/70-लेबर एण्ड लेजिस]

म० वे० शिव प्रसाद राय, अवसर सचिव।

(Department of Mines and Metals)

New Delhi, the 4th July 1970

S.O. 2401.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification may be inspected at the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or at the office of the Deputy Commissioner, Dhenkanal (Orissa) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

Any person interested in the lands mentioned in the said Schedule shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer of the National Coal Development Corporation Limited, Darbhanga House, Ranchi within ninety days from the date of publication in the Gazette of India of this notification.

SCHEDULE

Deulbera- East Extension Block
(Talcher Coalfield)

Drg.No.REV/16/69
Dated 29-10-1969.
(Showing lands notified for prospecting)

Sl. No.	Village	Thave or P.S.	District & State	Area	Remarks.
1	Nizigarh (Talcher Town)	Talcher (Town)	Dhenkhal (Orissa)		Part
2	Chauliakuta	"	"		"
3	Nizigarh jamme	"	"		"
4	Remua	"	"		"
		Total area : 320.00 or : 129.60	acres approximately hectares approximately.		

BOUNDARY DESCRIPTION :

- A—B Line passes through villages Nizigarh (Talcher Town), Chauliakuta and Nizigarh jamme (which is along the part common boundary of Deulbera Colliery lease boundary and meets at point 'B'),
- B—C Line passes through Nizigarh jamme, Remua and Nizigarh (Talcher Town) and meets at point 'C'
- C—D Line passes through Nizigarh (Talcher Town) and meets at point 'D'
- D—A Line passes through Nizigarh (Talcher Town) and meets at starting point 'A'

[No. F.C3-2(4)/70.]

K. B. SAXENA, Under Secy.

(जान तथा घात विभाग)

नई दिल्ली, 4 जुलाई, 1970

का० नि० आ० 2401—यतः केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित भूमि में कोयला उपलब्ध होने की सम्भाव्यता है ;

अतः, अब, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें कोयले के लिए पूर्वक्षेपण करने के एतद्द्वारा अपने इस आशय की सूचना देती है ।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र की रेखा का निरीक्षण, राष्ट्रीय कोयला विकास निगम लिमिटेड (राजस्व अनुभाग), दरभंगा भवन, रांची के कार्यालय में अथवा उपायुक्त, धनुकानल (उड़ीसा) के कार्यालय में अथवा कोयला नियंत्रक, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है ।

उक्त अनुसूची में वर्णित भूमियों में हितवद्ध कोई व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निविष्ट समस्त मानचित्रों, रेखाचित्रों और अन्य दस्तावेजों को, इस अधिसूचना के भारत के राजपत्र में प्रकाशन होने की तारीख से नब्बे दिन के भीतर राजस्व अधिकारी, राष्ट्रीय कोयला विकास निगम लिमिटेड, दरभंगा भवन, रांची को परिदृष्ट करेगा ।

अनुसूची

इयूलबेरा, पूर्वी विस्तार खण्ड डोग्रारजी सं० राज / 16 / 69

(तालचेर कोयला क्षेत्र) तारीख 29-10-69

(पूर्वोक्षण के लिए अधिसूचित भूमियों को दर्शित करने वाली)

क्रम सं०	ग्राम	थाना या पुलिस स्टेशन	जिला और राज्य	क्षेत्र	टिप्पणियां
1	निजिगढ़ (तालचेर कस्बा)	तालचेर (कस्बा)	धेन्कानाल (उड़ीसा)		भाग
2	चोलियाकुटा	तालचेर (कस्बा)	धेन्कानाल (उड़ीसा)		भाग
3	निजिगढ़जम्मे	—यथोपरि—	—यथोपरि—		—यथोपरि—
4	रेमूआ	—यथोपरि—	—यथोपरि—		—यथोपरि—
कुल क्षेत्र				320.00 एकड़ लगभग अथवा 129.60 हेक्टेयर्स लगभग	

सीमा वर्णन :

- क-ख लाइन निजिगढ़ (तालचेर कस्बा) चोलियाकुटा और निजिगढ़जम्मे गांवों से गुजरती है (जो इयूलबेरा कोयला खान पट्टा सीमा की भागतः सामान्य सीमा है, और ख बिन्दु पर मिलती है ।
- ख-ग लाइन निजिगढ़ में, रेमूआ और निजिगढ़ (तालचेर कस्बा) से गुजरती है और बिन्दु ग पर मिलती है ।
- ग-घ लाइन निजिगढ़ (तालचेर कस्बा) से गुजरती है और बिन्दु घ पर मिलती है ।
- घ-क लाइन निजिगढ़ (तालचेर कस्बा) से गुजरती है और आरम्भिक बिन्दु क पर मिलती है ।

[फाइल सं० कोयला-3-2 (4)/70]

के० बी० सक्सेना, अवर सचिव ।

MINISTRY OF FOREIGN TRADE

New Delhi, the 4th July 1970

S.O. 2402.—The Government of Jammu & Kashmir having nominated Shri Bazle Karim, Managing Director, Jammu & Kashmir Industries Ltd., to be a member of the Central Silk Board under clause (h) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby appoints him as a member of the Central Silk Board with effect from the 9th

April, 1970 and makes the following amendment in the notification of the Government of India in the Ministry of Foreign Trade No. S.O. 1522 dated the 23rd April, 1970, namely:—

In the said notification, after serial number 18, the following shall be inserted namely:—

18A. Shri Bazle Karim, Managing Director, Jammu & Kashmir Industries Ltd., Srinagar (Kashmir)	} Nominated by the Government of Jammu & Kashmir under section 4(3)(h) of Act.
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[No. F.21/1/70-Tex(F).]

DAULAT RAM, Under Secy.

विदेशी व्यापार मंत्रालय

नई दिल्ली, 4 जुलाई, 1970

क्र० आ० 2402—जम्मू तथा कश्मीर सरकार, जम्मू एण्ड कश्मीर इंडस्ट्रीज लि० के प्रबन्ध निदेशक श्री बजले करीम को, केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 की उप-धारा (3) के खण्ड (एच) के अधीन, केन्द्रीय रेशम बोर्ड का सदस्य मनोनीत किया है। अतः केन्द्रीय सरकार एतद्वारा उन्हें 9 अप्रैल, 1970 से केन्द्रीय रेशम बोर्ड का सदस्य नियुक्त करती है और भारत सरकार के विदेशी व्यापार मंत्रालय की अधिसूचना, का० आ० 1522 दिनांक 23 अप्रैल, 1970 में निम्नोक्त संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रमांक 18, के बाद निम्नोक्त प्रविष्टि किया जाए, अर्थात् :

“18 श्री बजले करीम प्रबन्ध निदेशक, जम्मू एण्ड कश्मीर इंडस्ट्रीज लि०, श्रीनगर (कश्मीर)।	} जम्मू तथा कश्मीर द्वारा, अधिनियम की धारा (4)3 (एच) के अधीन मनो- नीत।”
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[फा० सं० 21/1/70—डैक्स (एफ०)]

दौलत राम, अवर सचिव।

TEA CONTROL

New Delhi, the 6th June 1970

S.O. 2403.—In exercise of the powers conferred by Section 4 of the Tea Act, 1953 (29 of 1953), read with rules 4 and 5 of the Tea Rules, 1954, the Central Government hereby appoints the Director of Industries and Commerce, Government of Kerala, Trivandrum and Mr. R. L. Mellor, Chairman, Indian Tea Association, Calcutta as members of the Tea Board *vice* the Secretary to Government of Kerala, Industries Department and Shri M. Lamond respectively, and makes the following further amendments to the notification of the Government of India in the late Ministry of Foreign Trade and Supply (Department of Foreign Trade) No. S.O. 1498, dated the 17th April, 1969, namely:

In the said notification:

(1) for serial No. 4 and the entry relating thereto, the following serial No. shall be substituted, namely:—

“4 The Director of Industries and Commerce, Government of Kerala, Trivendrum, Kerala (ex-officio).”

(2) for serial No. 8 and the entry relating thereto, the following serial No. shall be substituted, namely:—

“8. Mr. R. L. Mellor, Chairman, Indian Tea Association, 6, Netaji Subhas Road, Calcutta.”

[No. 7(1)-Plant,A)/68.]

M. L. GUPTA, Under Secy.

(चाय नियंत्रण)

नई दिल्ली, 6 जून, 1970

का० प्र० 2403.—चाय नियम, 1954 के नियम 4 तथा 5 के साथ पठित चाय अधिनियम 1953 (1953 का 29) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, सचिव, केरल सरकार उद्योग विभाग तथा श्री एम० लैमोन्ड के स्थान पर क्रमशः उद्योग तथा वाणिज्य निदेशक, केरल सरकार, त्रिवेन्द्रम और आर० एल० मैल्लोर, अध्यक्ष भारतीय चाय संघ कलकत्ता को चाय बोर्ड के सदस्यों के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व विदेशी व्यापार तथा आपूर्ति मंत्रालय (विदेशी व्यापार विभाग) को अधिसूचना सं० का० आ० 1408, दिनांक 17 अप्रैल, 1969, में निम्नोक्त अग्रेतर संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में :

- (1) क्रमांक 4 तथा उससे सम्बन्धित प्रविष्टि के स्थान पर निम्नोक्त क्रमांक रखा जायेगा, अर्थात् :—
“4, उद्योग तथा वाणिज्य, निदेशक, केरल सरकार, त्रिवेन्द्रम, केरल (पदेन)”
- (2) क्रमांक 8 तथा उससे सम्बन्धित प्रविष्टि के स्थान पर निम्नोक्त क्रमांक रखा जायेगा, अर्थात् :—
“8. श्री आर० एल० मैल्लोर, अध्यक्ष, भारतीय चाय संघ, 6, नेताजी सुभाष रोड, कलकत्ता ।”

[सं० 7(1)—प्लॉट (ए)/68]

एम० एल० गुप्ता, अवर सचिव ।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 29th May 1970

S.O. 2404.—M/s. Bharat Heavy Electricals Ltd., Ranipur, Hardwar were granted licence No. G/AU/1037147 dated 18th January, 1969 under USSR Rupee Payment Account for the import of Raw Materials and Components valued at Rs. 5,00,00,000. They have requested for the issue of duplicate customs purposes copy of the licence on the ground that the original customs copy of the licence has been lost/misplaced by them. It has further been reported by the party that the licence was lost after having utilised it to the extent of Rs. 2,08,84,265 only leaving a balance of Rs. 2,91,15,735 as on 29th January, 1970. The licence was registered with Collector of Customs, Bombay.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original customs copy of the licence No. G/AU/1037147 dated 18th January, 1969 has been lost and directs that duplicate customs copy of the said licence for Rs. 2,91,15,735 only should be issued to them. This value as reported by the party represents the balance amount left for utilisation in the original customs copy of the licence No. G/AU/1037147, dated 18th January, 1969 which is cancelled.

The duplicate customs copy is being issued separately.

[No. Cent/Hel-29/68-69/PLS(A)/199.]

(सूच्य नियंत्रण, आयात-निर्यात का दायित्व)

आदेश

नई दिल्ली, 29 मई, 1970

एस० ओ० 2404.—सर्वश्री भारत हेवी इलेक्ट्रिकल्स लिमिटेड, रानीपुर, हरिद्वार को 5,00,00,000 रुपये मूल्य के कच्चा माल और संघटक के आयात के लिये सौख्यत समाजवादी गणतन्त्र संघ रुपये में भुगतान लेखक के अन्तर्गत लाइसेंस संख्या जी०/ए० यू०/1037147, दिनांक 18 जनवरी, 1969 स्वीकृत किया गया था। उन्होंने सीमाशुल्क कार्य के लिये लाइसेंस की अनुलिपि प्रति जारी करने का अनुरोध किया है, इसके लिये उन्होंने यह आधार दिया है कि लाइसेंस की मूल सीमा-शुल्क प्रति उनके द्वारा खो गयी है/गलत जगह रख दी गई है। आवेदक ने आगे यह सूचित किया है कि उसने केवल 2,08,84,265 रुपये तक उपयोग किया है और 29-1-70 से 2,91,15,735 रुपये शेष बचे थे उसके बाद लाइसेंस खो गया। सीमा-शुल्क समर्हता, बम्बई ने लाइसेंस पंजीकृत किया था।

आवेदक ने अपने तर्क के प्रमाण के लिये एक शपथ-पत्र जमा किया है अधोहस्ताक्षरी आवेदक है कि लाइसेंस संख्या जी०/ए० यू०/1037147, दिनांक 18-1-1969 की मूल सीमा-शुल्क प्रति खो गई है और आदेश है कि उनको उपर्युक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रति केवल 2,91,15,735 रुपये के लिये जारी की जाये। यह मूल्य जैसा कि पार्टी ने सूचित किया है, लाइसेंस संख्या जी०/ए० यू०/1037147, दिनांक 18-1-1969 की मूल सीमा-शुल्क प्रति में उपयोग करने के लिये बाकी बची हुई धन-राशि का प्रतिनिधित्व करती है, रद्द किया जाता है।

अनुलिपि सीमा-शुल्क प्रति अलग से जारी की जा रही है।

[सं० सेट/हेल-29/68-69/पी० एल० एस० (ए) 199]

New Delhi, the 8th July 1970

S.O. 2405.—M/s. Air Head Quarter (Ministry of Defence) DHQ, P.O. New Delhi were granted a Licence No. G/AU/1029023 dated 2nd September, 1966, under free foreign exchange ceiling for the import of Caribou Engines and Propellers Components as per list attached thereto valued at Rs. 6.30 lakhs. They have requested for the issue of duplicate customs purposes copy of the licence on the ground that the original customs copy of the licence has been lost by them. It has further been reported by the party that the licence was partly utilised for Rs. 4,49,131 and it had a balance of Rs. 1,80,869. The licence was registered with collector of customs, Calcutta.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original customs copy of the Licence No. G/AU/1029023 dated 2nd September, 1966 has been lost and directs that a duplicate customs copy of the said licence should be issued to them. The original customs copy is cancelled.

The duplicate customs copy is being issued separately.

[No. Cent/121/66-67/PLS(A)236.]

P. C. VERMA, Dy. Chief Controller.

नई दिल्ली, 8 जुलाई, 1970

एस० ओ० 2405.—सर्वश्री एयर हेड क्वार्टर (रक्षा मंत्रालय, डी० एच० ब्यू०, पी० ओ०, नई दिल्ली को 6.30 लाख मूल्य तक के लिये कारिबो इंजन और प्रोपेलर्स कम्पोनेंट जैसाकि उसमें प्रति सूची संलग्न है, के आयात के लिये स्वतंत्र विदेशी मुद्रा नियत सीमा के अन्तर्गत लाइसेंस संख्या जी०/ए० यू०/10-29023, दिनांक 2-9-1966 स्वीकृत किया गया था। उन्होंने सीमा-शुल्क कार्य

के लिये लाइसेंस की अनुलिपि प्रति जारी करने का अनुरोध किया है, इसके लिये उन्होंने यह आधार दिया है कि लाइसेंस की मूल सीमा-शुल्क प्रति उनके द्वारा खो गई है। आवेदक ने आगे यह सूचित किया है, कि लाइसेंस का 4,49,131 रुपये तक ही उपयोग किया गया था और 1,80,869 रुपये बाकी रह गए थे। सीमा-शुल्क समाहंता, बम्बई ने लाइसेंस पंजीकृत किया था।

आवेदक ने अपने तर्क के प्रमाण में एक शपथपत्र जमा किया है। अधोहस्ताक्षरी आश्वस्त है कि लाइसेंस संख्या जी/ए० यू०/1029023, दिनांक 2-9-1966 की मूल सीमा-शुल्क प्रति खो गई है और आदेश है कि उनको उपर्युक्त लाइसेंस की अनुलिपि सीमा-शुल्क प्रति जारी की जानी चाहिये। मूल सीमा-शुल्क प्रति रद्द की जाती है।

अनुलिपि सीमा-शुल्क प्रति अलग से जारी की जा रही है।

[सं० सेंट/121/66-67/पी० एल० ए० (ए)/236]

पी० सी० वर्मा,

उप मुख्य नियंत्रक, आयात-निर्यात।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 6th July 1970

S.O. 2406.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Ballarpur Colliery of Messrs Ballarpur Collieries Company Limited, Nagpur, Post Office Ballarpur District Chanda and their workmen, which was received by the Central Government on the 30th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR.

Dated June 18, 1970

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE No. CGIT/LC(R)(9) OF 1968

PARTIES:

Employers in relation to the management of Ballarpur Colliery of Ballarpur Colliery Company Limited, Nagpur, P.O. Ballarpur, Distt. Chanda (M.S.)

Versus

Its workmen represented through the President, Maharashtra Colliery Workers' Union, Ballarpur, P.O. Ballarpur, Distt. Chanda (M.S.)

APPEARANCES:

For employers—Sri M. Kallash Kumar, Officer.

For workmen—Dr. D. P. Kawadkar, President of the Union.

INDUSTRY: Coal Mine

DISTRICT: Chanda (M.S.)

AWARD

By Notification No. 5/69/67-LRII dated 8th January, 1967, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment),

Government of India, referred the following matter of dispute as stated in schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute.

“Whether the management of Ballarpur Colliery of M/s. Ballarpur Collieries Company Limited, Nagpur is justified in terminating the services of Shri Sakharam Kisan, Line Mazdoor, on grounds of superannuation with effect from the 9th August, 1967? If not, to what relief is he entitled?”

2. After pleadings were filed a good deal of evidence was recorded. When the case was in the last stages the employers filed a writ petition before the Hon'ble High Court Nagpur, and the proceedings were stayed. The parties, however, have now compromised the dispute and by applying before the Hon'ble High Court they have got the stay order vacated. It has now been requested that the compromise petition be accepted and an award be recorded in terms thereof.

3. The dispute relates to the termination of services of a workman on supposed superannuation. As the compromise petition would show the employers have now agreed to take back the workman concerned on duty and may have already taken him with effect from 1st April, 1970. The anterior period will be treated as leave without pay. The management also agreed to pay a sum of Rs. 1,000 within a week from the publication of the award in full and final settlement of all the claims and costs of the workmen. The compromise is a fair settlement of the dispute to the advantage of the workman concerned. It is, therefore, accepted and an award in terms thereof is hereby recorded. The compromise petition filed before the Hon'ble High Court and application moved before this Court shall form part of the award.

(Sd.) G. C. AGARWALA,
Presiding Officer.

17-6-1970.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH,
NAGPUR

SPECIAL CIVIL APPLICATION No. 865 OF 1968

The Ballarpur Collieries Co. a Registered Partnership Firm having their office at Bisesar House, Temple Road, Civil Lines Nagpur—*Petitioner.*

versus

The Presiding Officer, The Central Government Industrial Tribunal-cum-Labour Court (Rukmani, 1600) Wright Town, Jabalpur M. P. and another—*Respondents.*

Application under Articles 226 and 227 of the Constitution of India praying that the order, dated 23rd July 1968 passed by V. W. Saraf, Esquire, Commissioner, Advocate at Chandrapur in Case No. CGIT/LC(R)(9)/68 and the order, dated 27th July 1968 passed by the Presiding Officer, Central Government Labour Industrial Tribunal-cum-Labour Court, Jabalpur in Ref. No. CGIT/LC(R)/9/68 may be quashed.

Mr. R. K. Thakur, Advocate for the Petitioner.

Mr. B. P. Jaiswal, Advocate for the Respondent No. 2

No. appearance for the respondents 1 and 3.

(Coram Deshmukh & Chandurkar, JJ.).

3rd April 1970

ORDER

In view of the fact that parties have compromised the dispute, this petition is dismissed with no order as to costs and the stay stands vacated.

By the Court,

(Sd.) GAYASUDDIN,—10-4-70.

Additional Special Officer.

Certified copy of Civil Application No. 819/70 (Compromise Petition) dated 30th March 1970/1st April 1970 with Schedule A, filed in Special Civil Application No. 865/68, decided on 3rd April 1970.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH,
NAGPUR

CIVIL APPLICATION NO. 819/70

IN

SPECIAL CIVIL APPLICATION NO. 865 OF 68.

Petitioner:

Ballarpur Collieries Company, a Registered Partnership Firm, having its
Office at Bisesar House, Temple Road, Civil Lines, Nagpur-1.

Versus:

Respondent:

- (1) Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-'Rukmani', 1600, Wright Town, Jabalpur.
- (2) President, Maharashtra Colliery Workers' Union Ballarpur, District Chandrapur.
- (3) Shri V. W. Saraf, Commissioner appointed by Central Government Industrial Tribunal-cum-Labour Court, Nagpur, residing at Chandrapur, Maharashtra State.

Compromise Petition

The parties state as under:—

(1) The present Writ Petition arises out of Reference No. CGIT/LC(R)(9)/68 pending before Respondent No. 1 in which two interlocutory orders are challenged.

(2) The contesting parties are Respondent 2 and the Petitioner only and Respondent Nos. 1 and 3 have not filed any return.

(3) The Petitioner and Respondent No. 2, who are parties to the Reference before the Respondent No. 1, have compromised the main dispute pending before the Respondent No. 1 and now desire to obtain a consent Award from Respondent No. 1 as per Schedule "A" appended hereto, signed by both the parties. In view of the Stay Order of this Hon'ble Court, the Tribunal cannot pass the Award unless it is vacated.

(4) That in view of the settlement of the main dispute pending before the Tribunal, the present Writ Petition does not survive and the same is accordingly not pressed.

(5) The parties agree that there will be no order as to costs so far this Court is concerned.

Prayer:

It is, therefore, prayed that the Stay Order granted by this Hon'ble Court be vacated and the Order of this Hon'ble Court, together with a copy of the Petition alongwith the Schedule A appended to this Petition, be forwarded to Respondent No. 1 to dispose of the Reference in accordance with law and this Petition be dismissed as it has become infructuous.

(Sd.) R. K. THAKUR,
Counsel for Petitioner.

(Sd.) B. P. JAISWAL,
Counsel for Respondent No. 2.

Nagpur:

April 1, 1970

SCHEDULE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JAHALPUR.

REF: CGIT/LC(R)(9) OF 1968

In the matter of

The Ballarpur Collieries Co., Bisesar House, Temple Road, Nagpur,—Employer.

Versus

Their Workmen—Shri Sakharam Kisan.—Workman.

APPLICATION FOR GIVING AWARD IN TERMS OF A COMPROMISE

The Employer and the workman beg to apply as under:—

1. That the Employer—The Ballarpur Collieries Co. and the workman Sakharam son of Kisan, Line Mazdoor, Ballarpur, have compromised the dispute on the following terms:—

- (a) That the workman, Shri Sakharam Kisan, Line Mazdoor, will be taken on duty in his original job from 1st April 1970.
- (b) That the period from 9th August 1967 to 31st March 1970 shall be treated as leave without pay.
- (c) That the workman will be entitled to continuity of service.
- (d) That the Management shall pay Rs. 1,000 (Rupees One Thousand) only, to the workman within a week of the publication of the Award by this Honourable Tribunal in full and final settlement of all the claims and costs of the workman against the Management.
- (e) That the Management has withdrawn its appeal in the High Court of Judicature of Bombay, Nagpur Bench, in pursuance of this compromise.
- (f) That the workman and the Management agree that there is no other dispute pending between them.
- (g) That the parties, i.e. the Employer and the workman will bear their respective costs.

The Employer and the workman pray that this Hon'ble Tribunal be pleased to pass an Award in terms of the above compromise.
Nagpur, 30th March 1970.

(Sd.) Illegible,
30-3-70.

Witnesses,

Employer,

For the Ballarpur Collieries Co. Nagpur.

(Sd.) Shri D. P. KAWADKAR,
President,

Maharashtra Colliery Workers' Union, Ballarpur.

(Sd.) P. T. PATHAK.

Workman,
SAKHARAM KISAN

L.H.T. taken by Dr. D. P. Kawadkar.
30-3-70.

PART OF AWARD

(Sd.) G. C. AGARWALA

Presiding Officer.

17-6-1970.

[No. 5/69/67-LRII.]

T. K. RAMACHANDRAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th July 1970

S.O. 2407.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 30th June, 1970.

In the matter of arbitration in the industrial dispute between the management of Punjab National Bank, New Delhi and their workmen represented by the U.P. Bank Employees Union Modinagar.

PRESENT:

Shri O. P. Gupta, Asstt. Labour Commissioner (Central) & Arbitrator.

Representing management—Shri H. C. Jain, Staff Officer, Punjab National Bank.

Representing Workmen—1. Shri S. K. Jain, Asstt. General Secretary, U. P. Bank Employees Union, Modinagar.

2. Shri J. S. Shishodia, Secretary, U.P. Bank Employees Union, Modinagar.

AWARD

[No. Con.I/11(9)/70.]

New Delhi, the 29th June, 1970

By an agreement dated 5th March 1970, the Staff Officer, Punjab National Bank representing the management and the Secretary, U.P. Bank Employees Union representing the workmen of Punjab National Bank, Modinagar Branch agreed to refer the following issues for my arbitration under Section 10A of the Industrial Disputes Act, 1947.

“Whether the Management of Punjab National Bank, New Delhi is justified in terminating the services of Shri Nand Kishore Balmiki with effect from 27th October 1969? If not, to what relief is the workman entitled?”

The U.P. Bank Employees Union filed written statement dated 30th March 1970 on behalf of the workman. Their case is that the concerned workman Shri N. K. Balmiki performed the duties allotted to him to the entire satisfaction of his superiors. The management terminated the services of the workman during the probationary period without giving opportunity to the workman to explain his position. According to the Union the termination of probation was unjust and it was prayed that he should be reinstated with full back wages and continuity of service.

The employers filed written statement on 1st April 1970. Their case is that as per the terms of appointment his services were liable to be terminated in the sole discretion of the Bank before the expiry of his probationary period. The workman agreed to abide by the terms and conditions of the letter of appointment. During the period of his working at Modinagar the quality and quantity of his work was found to be below average and his performance was assessed as not satisfactory. That the workman in his application for employment did not disclose the details of his physical disability in the column meant for this purpose and this column was left blank. In the medical certificate dated 10th February 1969 of Dr. Jagdish Chander Agarwal of Ghazlabad submitted by him he added the following words under his signatures:—

“His eye vision is in normal limit”

On the other hand it was found that he was totally blind of one eye.

In view of the foregoing it was not considered expedient to retain the workman in the bank service and his services were terminated during the probationary period on payment of one month's pay and allowances in lieu of notice as provided in the Award/Bipartite Settlement as also in the letter of appointment issued to him and accepted by him. The action of the bank is justified and the workman is not entitled to any relief.

The parties also filed rejoinders on each others statement. I heard the parties at Modinagar on 20th May 1970 and 2nd June 1970.

The management examined 3 witnesses MW1-3 and exhibited 10 items of documents which are marked as Ex. M-1 to M-10. The union on the other hand examined 1 witness viz. WW-1.

The point for consideration is whether the action of the Bank in terminating the services of Shri Balmiki is mala fide and whether Shri Balmiki concealed the fact of being totally blind of one eye and he added the word “His eye vision is in normal limit” under his signature in the medical certificate.

According to the evidence of S/Shri N. L. Chhabra, Manager MW-1 and Shri B. L. Kakkar, the then Accountant MW II, Shri Balmiki was posted on despatch duty and was then shifted to cash book etc. His work was not found satisfactory

on both the seats. While working on despatch duty envelopes containing important documents were received back since the addresses on the envelopes were not correctly written by Shri Balmiki. The work of Shri Balmiki in Cash Section where he was posted w.e.f. 1st September, 1969 was not found satisfactory. He committed a large number of mistakes and did not show any improvement in spite of the fact that he was advised several times by the Branch Manager and the Accountant to improve his work. Shri Balmiki also committed mistakes of serious nature while handling TT issue register. Shri B.B.L. Kakkar, the then Accountant also confirmed his report Ex. M-8 in which he has adjudged that the work of Shri Balmiki is neither satisfactory nor upto the mark.

The management also stated that Shri N. K. Balmiki is totally blind of his right eye. He did not disclose this physical disability in the application submitted by him for employment in the column meant for this purpose. The workman also did not disclose this fact to the interviewing authority and this fact came to be known to the Bank when it was detected by the District Manager on his visit.

According to the union Shri Balmiki took training at Mall Road, Kanpur from 17th February 1969 to 17th May 1969 to the entire satisfaction of his superiors. He qualified written tests of the training and when he was found fit for service in the Bank he was declared successful and was absorbed in the permanent service of the Bank at Modinagar as probationer. The workman was first entrusted with the work of Despatch Section where he worked from 21st July 1969 to 31st August 1969. The Manager in his statement has stated that about 8/9 envelopes were returned back for want of correct addresses but no proof was produced by him. It is the practice of the Bank to keep such envelope in the record but they were not produced before the Arbitrator. Moreover, the Manager has himself admitted in cross-examination that Shri Balmiki had learnt the despatch work. On 1st September 1969 Shri Balmiki was shifted to Cash Section of the Bank. Witness MW-2 has stated that there were so many cuttings and over-writings in the Cash Book and other Bank registers during the period. The union also produced evidence that clerical mistakes are not considered a serious offence in any Department of the Bank. The other members of the staff including the manager had committed mistakes. On several dates Shri S. C. Goyal, Accountant committed mistakes and overwriting in Cash Book. During the entire probation period the workman was not given any Memorandum about his deficiency and quality and quantity of work.

As regards the second charge of the Bank that he himself added the words "His eye vision is in normal limit" Dr. Jagdish Chander Agarwal, M.B.B.S. MW-3 has stated that the addition was made by him and the addition is in his own handwriting. The workman visited Safdarjang Hospital on 29th October 1969 and got his eye tested. Exhibit D-3 is the certificate given by the Medical Officer of the Safdarjang Hospital. The certificate reads as "he is fit for a clerical job".

The facts of the case as revealed by the evidence are that the workman was first appointed as a probationer and took training from 17th February 1969 to 17th May 1969. His work during training period was considered satisfactory and he was absorbed as a probationer. During the probationary period the workman was first put to work in the Despatch Section where he committed a few mistakes. These mistakes were never pointed out to the workman in writing nor he was ever issued a Memorandum regarding the quality and quantity of his work. He was subsequently posted in the Cash Section with effect from 1st September 1969. The workman has made a number of cuttings and overwritings in the Cash Book and other Bank Registers during this period. It has also been admitted that mistakes have been committed by other members of the staff. The main charge of the Bank against the workman is that in his application for employment in the Bank service he did not disclose the details of his physical disability in the column meant for this purpose and the column was left blank. In the medical certificate dated 10th February 1969 of Dr. Jagdish Chander Agarwal of Gazhiabad submitted by him. He added the following words under his signature "his eye vision is in normal limit". It has been proved by the evidence of Dr. Jagdish Chander Agarwal that the words "his eye sight is in normal limit" was in the handwriting of the Doctor. Therefore, the charge that the workman added the words himself have not been proved by the evidence of the Doctor.

It has been held in Express Newspaper Ltd., and Labour Court Madras and another (LLJ 1964-Vol. I—P.97) that an appointment of a probationer for six months gives the employer no right to terminate the services of an employee before six months and expired except on the ground of misconduct or other sufficient reasons in which case even the services of the permanent employee could be terminated. At the end of six months period the employer can either confirm him or terminate his services because his services are found unsatisfactory. It

has also been held in the case between Utkal Machinery Ltd., and Miss. Shanti Patnaik (LLJ-1966-Vol. I—P. 398) that unsatisfactory work of an employee may be treated as misconduct and when the workman is discharged for unsatisfactory work it should be taken that the discharge is tantamount to punishment for alleged misconduct. The management was not justified in discharging the respondent from service without holding the proper enquiry.

I have gone through the evidence carefully and I find that the services of Shri Balmiki were terminated because he is an one eyed person and the Bank management did not like a person who is blind of one eye to work in the Bank. The workman has produced medical certificate from the Safdarjang Hospital certifying that he is fit for clerical job. In view of this I hold that the management was not justified in terminating the probation of Shri Balmiki w.e.f. 27th October 1969 and therefore he is entitled to reinstatement in Bank service with continuity of service. Regarding claim of arrears of wages I award that the workman to be paid 50 per cent of his wages for the period from the date of discharge to the date of reinstatement.

(Sd.) O. P. GUPTA,

Asstt. Labour Commissioner (Central)

and Arbitrator.

[No. 23/14/70/LRIII.]

New Delhi, the 7th July 1970

S.O. 2408.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the Vulcan Insurance Company Limited, Bombay and their workmen which was received by the Central Government on the 20th June, 1970.

श्वेत, रोजगार और पत्रव्यस मंत्रालय

(असम और रोजगार विभाग)

नई दिल्ली, 7 जुलाई, 1970

का० प्रा० 2408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एन.द्वारा बलकन इन्धोरेन्स कम्पनी लिमिटेड बम्बई के सम्बन्ध में निपोजकों और उनके कर्मचारों के बीच औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, सं० 2, बम्बई का निम्नलिखित अधिनि.म, जो केन्द्रीय सरकार को 20 जून, 1970 को प्राप्त हुआ था, प्रकाशित करती है।

[स० 25/11/69-एल० आर०-III (एल० आर० I.)]

यू० महाबल राव, उय सचिव ।

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,
BOMBAY

REFERENCE No. CGIT-2/10 OF 1969

Employers in relation to M/s Vulcan Insurance Co. Ltd., Bombay

AND

Their Workmen

PRESENT

Shri N. K. Vani, Presiding Officer

APPEARANCES :

For the Employers—Shri R. S. Mani, Dy Secretary, Vulcan Insurance Co. Ltd., Bombay.

For the Workmen—Shri N. M. Shukla, General Secretary, Vulcan Insurance Co. Ltd. (Staff Union), Bombay.

INDUSTRY: General Insurance

STATE: Maharashtra.

Bombay, dated the 17th June, 1970

AWARD

By Order No. 25/11/69/LRII dated 1st July, 1969 the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal No 2 for adjudication an industrial dispute existing between the employers in relation to the Vulcan Insurance Company Limited, Bombay and their workmen represented by the Vulcan Insurance Company Limited Staff Union, Bombay in respect of the matters set forth in the schedule as mentioned below:—

SCHEDULE

“The following Demands made by the employees of Messrs. Vulcan Insurance Company Limited, Bombay, are submitted for adjudication on behalf of their Delhi, Madras and Poona Offices:

Demand No.	Pay Scales
Categories	
Class	All the employees other than the General Manager and/or Underwriter and other than those described in Class II, III and IV described hereunder shall be categorised under this Class and they shall be paid the following scale of pay, designating them as.
	<i>Chief Assistants</i>
	Rs. 435—35—540—50—690—65—950.
Class II	<i>Senior Assistants, including Stenographers & Cashiers</i> Rs. 325—15—415—25—540—35—750.
Class III(A)	<i>Assistants including Typists and Air Condition Plant of Operators.</i> Rs. 225—12—285—18—375—25—500—30—650.
Class III(B)	<i>Record Clerks</i> Rs. 200—8—240—10—320—12—380.
Class IV (A)	<i>Sepoys, Liftmen and Watchmen</i> Rs. 150—5—175—7—210—8—250.
Class IV (B)	<i>Sweepers—Hawals</i> Rs. 125—4—145—5—170—6—230.
Demand No. 2	<i>Adjustment and Fitting into the above grade plus relief increments.</i>

The existing employees shall be fitted into the above scales of pay by making first and *ad hoc* addition of following amounts to the basic salary of each of the employees that he may be currently drawing on 1-1-1967, and after the *ad hoc* addition if the employee's basic pay thus improved is not a stage in the above scale of pay of his category he shall be fitted to the next higher slab of the scale. After so being fitted into the scale, of pay he shall be paid his annual increment of the year 1967, as per the above scales of pay. The *ad hoc* addition as under includes some transfer from existing D.A. of each employees.

Ad-hoc Addition to be made as referred to above to the basic salaries of the employees as on 1-1-1967.

Class I	Employees	Rs. 125'00
Class II	Employees	Rs. 125'00
Class III(A)	Employees	Rs. 125'00
Class III(B)	Employees	Rs. 120'00
Class IV(A)	Employees	Rs. 100'00
Class IV(B)	Employees	Rs. 85'00

Extra Relief Increments

After being fitted as above into the new scales of pay, each employee shall be paid one *increment* called “Relief Increment” for each period of 5 (Five) years of his completed service, maximum such increments payable will be three increments in computing period of service to qualify for these relief increments part of a year's service over six months will be taken as a completed year.

Dearness Allowance

Demand No. 3 *Class IV (A) & (B) Employees*

Flat Dearness Allowance of Rs. 65/- plus additional D. A. based upon the cost of living index published in the Indian Labour Journal under the heading "All India Working Class Consumers Price Index" the base year 1949-100 with index figure at 152 for each one point rise over 152, a corresponding percentage of rise of the basic salary of the employee shall be paid in addition.

For all other employees :—

Flat Dearness Allowance of Rs. 75/- plus Additional D. A. as above given to Class IV (A) and (B) employees.

Other Allowances

Demand No. 4

(1) *House Rent Allowance* :—House Rent Allowance shall be paid to all employees at the rate of 15% of the employees' basic pay subject to a minimum Rs. 30/- per month and a maximum of Rs. 65/- per month.

(2) *Educational Allowance* :—For dependants Rs. 50/- per year in case of School Education and Rs. 100/- in case of College or Technical Institute education.

(3) *Absentee Allowances* :—Employees who work for and or attend to the duties of an absentee in the same category shall be paid 50% of the absentee's salary and allowance for the days of his absence. The allotment and distribution of the absentee's work to be confined to the particular department or section involved, and to be given to each such employees by rotation.

(4) *Officiating Allowance* :—Employees who officiated in a higher post shall be paid officiating allowance in case of (a) posts carrying special pay or allowance, at the rate of equal to the minimum of such special pay and allowances attached to the respective post.

(5) *Overtime Allowance* :—Overtime Allowance shall be paid at the rate of double the salary calculated on hourly basis excluding Sundays and Holidays.

(6) *Transfer Allowance* :—Sixty per cent of the total Salary including attached allowance shall be paid to the employees for the first 12 months and 50% (fifty per cent) of the total salary and attached allowances thereafter, in addition to this annual Salary and annual increments as per Head Office scales. To and from all travelling expenses and other incidental expenses for him and his family to be paid in advance. Travel expenses for Assistants and Lower Grade will be calculated at 2nd Class and First Class rates for Senior Assistants and Chief Senior Assistants.

Halting Allowance : This allowance shall be paid at the following rates for the employees and his family members.

Lower Grade	Rs. 10/- per head per day
Assistants	Rs. 15/- per head per day
Senior Assistants	Rs. 20/- per head per day
Chief Sr. Assistants	Rs. 25/- per head per day.

Employees to be transferred shall be given one month's advance intimation and 7 days preparation leave with full pay, which leave shall not be debited to his leave account.

(7) *Washing Allowance* :—Employees or lower grade provided with office Uniform shall be paid Washing Allowance of Rs. 10/- per head per month.

(8) *Tiffin Allowance* :—Tiffin allowance shall be paid to each employee at the rate of Seventy-five paise per day.

Bonus

Demand No. 5 ¶ All employees shall be paid four months total emoluments as Bonus per year, as on 31st December of each year.

Demand No. 6

Leave Rule

- (1) *Privilege Leave* :—Every employee shall be entitled to privilege leave of one day for every 11 days of service with a right to accumulate the same upto 180 days.
- (2) *Casual Leave* :—Every employee shall be entitled to Casual Leave of 15 days in a calendar year. An employee may avail of casual leave of six days at a time excluding Sundays and Holidays. Casual Leave can be prefixed or suffixed to Sundays and/or Holidays.
- (3) *Sick Leave* : An employee shall be entitled to sick leave with full pay at the rate of one month for each year of service which he/she can accumulate upto 12 months.
- (4) *Special Leave* :—Office bearers of the Trade Union Shall be granted full pay leave upto 1-4 days in a year for Trade Union Activities.

NOTE:—

Employees absent due to injuries while on duty shall be treated as on duty.

Advance leave shall be granted in emergency and special cases subject to adjustment in subsequent years.

Increments of an employees nor bonus shall be affected on account of leave on loss of pay.

Encashment of leave shall be granted to all employees who apply for it, for period not exceeding two months accumulation and provided one month of accumulation is enjoyed by the employee in that year.

In case of death of any employee his accumulation of leave to the credit (Privilege Leave) shall be encashed and the amount paid to his legal heir.

Demand No. 7

Comprehensive Medical Aid Scheme

To include free Medical aid, including hospitalisation and domiciliary benefits to employees and their dependant family members shall be forthwith introduced limiting the relative cash amount aid to Rs. 175/- per year per employees, with benefit of accumulation of the benefit upto Rs. 350/- the maximum.

Amenities

Demand No. 8

Space shall be provided in the Company's Building for the accommodation of the Office and storage (1) The Employees' Co-operative Credit Society (2) The Employees' Consumers Co-operative Stores and Canteen, (3) Sports and Recreation Club and (4) Libraries,

Provident Fund

Demand No. 9

- (1) Every employee shall contribute to the Provident Fund at the rate of 10% of his total emoluments with an equal contribution from the Company, every month.
- (2) The rate of interest on the Provident Fund accumulation shall not be less than 6 % per annum.
- (3) Employees shall be entitled to full contribution from the Company after 5 years of continuous service.
- (4) Employees shall be granted loans to the extent of their SIX month's salary (total emoluments) after 5 years of service, till then 2½ months' salary.

Gratuity

Demand No. 10

Gratuity shall be paid to employees at the rate of one month's total emoluments for each year of completed service. Service of six months and over shall be counted as full year for the purpose of gratuity period and amount calculation.

Gratuity shall be paid at this rate to employees who leave Company's service after 5 years of service.

Gratuity shall be paid in full at the above rate in case an employee dies, or is prematurely disable or voluntarily resigned from Company's services.

If an employee's service is terminated by the Company he shall be paid by the Company gratuity at the rate of as above in addition to retrenchment compensation as provided in law in force.

Retirement Age

Demand No. 11 Retirement age of an employee shall be 60 years which shall be uniformly applied to all Officers and the rest.

Retirement Benefits

Demand No. 12 Pension scheme in lieu of gratuity as is applied to the Officers of the Company shall be forthwith made applicable to those employees from Classes I, II, III and IV who prefer to accept it in lieu of gratuity. Pension payable shall be for the fixed period of 10 years complete. If a Pensioner dies before receiving pension for ten years' period for the balance period his nominee shall draw the same till completion of 10 years.

Sectional Holidays/Special Holidays

Demand No. 13 Following Holidays shall be granted as full day and half-day Holidays respectively in addition to all the Holidays, declared under the Negotiable Instruments Act and/or by State Government.

Full Day Holidays

1. Ramanavami
2. Coconut day
3. Janamastami
4. Sarvapadu Anavasya
5. 1st day of Diwali
6. 26th December each year
7. Boxing Day

Half Day Holidays

1. Solar Eclipse
2. Ashadi Ekadashi
3. Kartik Ekadashi
4. Mahashivratri
5. Anant Chaturdashi
6. All Shravan Mondays
7. Nagapanchami
8. Gaurivisarajam
9. Bhai Bhuj
10. Monday, Thursday
11. 24th December, 'X-mas Eve

2. On receipt of the reference notices were issued to the parties for filing written statement.

3. After taking time for filing written statement from time to time, Shri N. K. Shukla, General Secretary of the Vulcan Insurance Co. Ltd., Staff Union filed written statement at Ex. 2/W giving justification in respect of each demand mentioned in the reference on behalf of the employees.

4. The Vulcan Insurance Co. Ltd. took adjournments from time to time for filing written statement but it did not file any written Statement.

5. On 13th April, 1970 both the parties have given application as mentioned below:—

"The parties to the above Reference beg to state that they are carrying on mutual negotiations to explore possibilities for a settlement. The parties pray that the matter be adjourned to a later date convenient to the Hon. Tribunal."

6. This application was granted and the reference was fixed for hearing on 4th May, 1970.

7. On 4th May, 1970 both the parties again gave application as stated below:—

"The above dispute is fixed for hearing today at about 11-30 A.M. The Company and the workmen pray that a short adjournment may be granted as both the parties are finalising the terms of settlement which will be filed before the Honourable Tribunal within a week."

8. This application was granted and the reference was fixed for hearing or taking further step on 12th May, 1970.

9. On 11th May, 1970, both the parties again gave application as mentioned below:—

"We beg to inform you that in reference to the above, the short adjournment was prayed for last time which your Lordship was kind enough to grant us.

The terms of Settlement are being drafted but due to unavoidable circumstances the same could not be completed. We therefore request your Lordship to grant us one more adjournment preferably till the 2nd week of June so that we may complete the Agreement."

10. This application was granted and the case was fixed on 30th May, 1970 for hearing or for taking further step.

11. On 1st June, 1970, the following telegram was received from Shri Deshmukh, President, Staff Union, from Mahabaleshwar:—

"VULCAN INSURANCE MANAGEMENT UNAUTHORISEDLY ALTERED TERMS OF SETTLEMENT DRAFT AGREEMENT NOT ACCEPTABLE ON LEAVE PLEASE ADJOURN"

12. On account of this telegram the case was fixed for hearing on 16th June, 1970.

13. On 11th June, 1970 both the parties appeared before me and gave application Ex. 4/EW alongwith Memorandum of Settlement Ex. 3/EW. The application Ex. 4/EW is as follows:—

"The parties to the above Reference have reached a settlement dated 6th June 1970, over the Demands covered by the above Reference. A copy of the said Settlement is attached hereto and the parties pray that an Award be made in terms thereof."

14. On account of this application the settlement was taken on file and case was fixed for passing orders on 16th June, 1970 as ordered previously.

15. On going through the terms of settlement Ex. 3/EW and the charter of demands I find that the pay scales of the employees have been improved. Suitable adjustments have been made and pay scales have been properly fixed. Dearness Allowance has been linked with cost of living. Other amenities have also been given to the employees.

16. The new scales of pay and service conditions given to the employees in question compare favourably with those prevailing in General Insurance Companies. Hence the employees in question will have now no grievance. The pay scales and service conditions given by settlement Ex. 3/EW are quite fair and reasonable. I therefore, accept the settlement and pass the following order:—

ORDER

- (i) Award is made in terms of Settlement Ex. 3/EW.
- (ii) Settlement Ex. 3/EW is to form part of the Award.
- (iii) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal No. 2,
Bombay.

Ex. 3/EW

MEMORANDUM OF SETTLEMENT

Names of Parties—The Vulcan Insurance Co. Ltd., Industrial Assurance Building, 73, Veer Nariman Road, Bombay 20.

AND

The workmen employed by the Vulcan Insurance Co. Ltd., in their Offices at Delhi, Poona and Madras.

Representing Employer—1. Mr. V. C. Setalvad, General Manager, Vulcan Insurance Co., Ltd. Bombay.

2. Mr. H. V. Setalvad, Dy. Manager & Underwriter, Vulcan Insurance Co. Ltd., Bombay.

Representing Workmen—1. Mr. P. B. Deshmukh, President, Vulcan Insurance Company Limited Staff Union, Bombay and

2. Mr. N. M. Shukla, General Secretary, Vulcan Insurance Co., Ltd., Staff Union, Bombay.

This settlement made this 6th day of June, 1970 between the Vulcan Insurance Co. Ltd., Bombay (hereinafter referred to as the Company) and the workmen employed by the Company in their offices at Delhi, Poona and Madras represented by the Vulcan Insurance Co., Ltd., Staff Union, Bombay (hereinafter referred to as the Union).

Whereas the Union submitted a charter of demands on behalf of the workmen employed by the Company in their offices at Delhi, Poona and Madras.

And whereas the charter of demands was referred to adjudication of the Central Government Industrial Tribunal and was marked as Reference CGIT No. 2/10 of 1969.

And whereas the workmen were paid interim relief pending adjudication of the demands under the settlement dated 10th September, 1969, and whereas pursuant to further negotiations the parties have arrived at the following settlement to the intent that it will be binding on the parties under Section 18 read with section 2(p) of the Industrial Disputes Act, 1947.

And now it is hereby agreed by and between the parties hereto as follows:—

1. *Scope of the Settlement.*—This settlement will be effective from 1st July 1969 and apply to workmen employed by the Company in their offices at Delhi, Poona and Madras, except where stated to the contrary.

2. *A. Pay Scales.*—The following salary scales shall be introduced for different categories of employees:

(i) *Assistants (Clerks including Typists and Telephone Operator).*

Rs. 160—8—200—10—260—12—284—15—374—E.B.—20—454.

(ii) *Senior Assistants employed in Poona and Madras Offices:*

Rs. 225—15—285—20—385—25—535—30—565.

(iii) *Senior Assistants employed in Delhi Office:*

(a) *Senior Assistants—Grade 'B'*

Rs. 245—15—290—20—390—25—515.

(b) *Senior Assistants—Grade 'A'*

Rs. 325—20—365—25—490—30—580.

(iv) *Record Clerks:*

Rs. 110—4—150—5—180—7—215.

(v) *Subordinate Staff:*

Rs. 85—3—106—4—130—5—175.

NOTE.—When a workman in any of the above categories, has reached the ceiling of his scale of pay, he shall receive one additional last grade increment every alternate year, subject to a maximum of two such increments, i.e. 2 increments in 4 years.

B. Classification:

(i) The classification of individual workmen into grades (ii), (iii) and (iv) will be as mentioned in Schedule 'A' attached hereto.

(ii) In respect of the remaining categories of workmen their existing classification shall continue.

(iii) It is agreed that members of the subordinate staff who are designated as Record Clerks will continue to perform their duties as hitherto done by them in Grade 2A(v) shown above, and further any other duties which will be allotted to them from time to time.

C. Adjustment:

1. The following amounts will be added to the basic salaries drawn by the workmen as on 30th June, 1969.

	In respect of	
	Delhi Office	Madra & Poona
	Rs.	Rs.
(i) Assistant & Senior Assistants	65	60
(ii) Record Clerks & Subordinate staff	55	50

2. After addition of the amounts stated above in the basic salaries of the workmen as provided in clause 1. C. above, the basic salary derived will be fitted in the revised grades (vide 2.A) in the following manner:—

(i) Workmen who would be in receipt of basic salary which is less than the starting basic salary of the respective revised scales shall be stepped up to the minimum of the revised scale.

(ii) Workmen who would be in receipt of basic salary which is higher than the starting basic salary of the respective scale but which is not a step in the revised scale shall be stepped up to the next step in the revised scale.

(iii) Workmen who would be in receipt of basic salary which is in step in the revised scale shall be fitted in that step in the scale.

3. Dearness Allowance:

(a) In place of the existing dearness allowance scheme, the following scheme of dearness allowance will be introduced when the All India Consumer Price Index Number (Base 1949=100) for working class is at 180.

For Delhi Office:

Basic Salary	Dearness Allowance per month
Upto Rs. 100/-	Rs. 65/- Flat.
Between Rs. 101/- & Rs. 200/-	Rs. 65/- plus 35% of basic salary in excess of Rs. 100/-.
Between Rs. 201/- & Rs. 350/-	Rs. 100/- (65+35) plus 25% of basic salary in excess of Rs. 200/-.
Between Rs. 351/- & Rs. 600/-	Rs. 137.50 (65+35+25+12%) plus 10% of the basic salary in excess of Rs. 350/-.

For Poona and Madras Offices:

Basic Salary	Dearness Allowance per month.
Upto Rs. 100/-	Rs. 60/- Flat.
Between Rs. 101/- & Rs. 200/-	Rs. 60/- plus 35% of basic salary in excess of Rs. 100/-.
Between Rs. 201/- & Rs. 350/-	Rs. 95/- (60+35) plus 25% of basic salary in excess of Rs. 200/-.
Between Rs. 351/- & Rs. 600/-	Rs. 132.50 (60+35+25+12%) plus 10% of basic salary in excess of Rs. 350/-.

Provided further that workmen drawing basic salary over Rs. 600/- per month shall not be entitled to dearness allowance on that portion of the basic salary over Rs. 600/-.

(b) *Adjustment in dearness allowance due to rise or fall in the index.*

It is further agreed that for every rise or fall of 1 point in the half-yearly average index number over or below 180, the dearness allowance payable on the basic salary will be increased or decreased as the case may be as under:—

Basic Salary

For the first Rs. 100/- 1% of basic salary.

For the balance amount of basic salary upto Rs. 600/- $\frac{1}{2}$ % of such balance amount of basic salary

(c) The total maximum dearness allowance payable per month under the scheme (a and b above) i.e. inclusive of adjustment for rise in index shall not exceed Rs. 300/- as revised herein.

(d) For every reduction of one point below the index number 170 the dearness allowance shall be reduced on the above basis, the maximum reduction at any time being Rs. 20/-.

(e) The payment of increased or reduced dearness allowance as shown above shall be on the basis of six monthly adjustments and in the months of January and July each year representing the half yearly figures from July to December and January to June respectively.

4. Other Allowance:

(a) House Rent Allowance will be paid to the following categories of workmen with effect from 1st July 1969.

(i) Assistants and Senior Assistants	Rs. 15/- p.m.
(ii) Record Clerks and lower grade staff	Rs. 10/- p.m.

(b) The following allowances will be granted to Assistants or Typists with effect from 1st January 1970 as per the existing rules:—

i. Typing Allowance	Rs 10/- p.m.
ii. Allowance for handling cash to one Assistant	Rs 10/- p.m.
iii. Acting allowance (eligible on pro-rata basis if a clerk acts for 21 or more days)	Rs 30/- p.m.
iv. Acting allowance for a member of subordinate staff	Rs 15/- p.m.

5. *Bonus*.—The declaration of payment of bonus will be subject to the sanction and approval of the Board of Directors and the Central Government.

6. *Leave*.—The existing leave rules shall continue to apply with the following modifications:—

(i) 30 days privilege leave will be allowed after 12 months continuous services with full pay and allowances, with accumulation upto 90 days.

(ii) Encashment of privilege leave will be allowed only to workmen who have accumulated leave of 90 days to his credit and provided that the leave applied for is not granted by the Company. Maximum encashment of leave will be limited to 30 days.

Sick Leave.—A workman is entitled to a maximum of 15 days sick leave per year with full pay and allowances. Such leave may be accumulated up to 180 days.

7. *Comprehensive Medical Aid Scheme*.—Medical aid to reimburse a workman for medicines and/or treatment prescribed by a registered medical practitioner in respect of the workman's own treatment only shall be granted to permanent workmen in case of sickness lasting for 3 days or more on the following basis, with effect from 1st May, 1970.

The Company shall reimburse to their respective workmen as aforesaid the full expenses towards such prescribed medicines and/or treatment including doctor's fees and consultation charges upto a maximum of Rs. 75/- in a calendar year.

8. *Amenities*.—The demand is not pressed. The existing amenities to continue

9. *Provident Fund*.—From 1st February, 1970 the rate of provident fund contribution per month of the workmen shall be 8-1/5 per cent. of basic salary (excluding D.A. and all other allowances) or 6½ per cent of basic wages and dearness allowance whichever is higher. An equal contribution will be made by the Company.

10. *Gratuity*.—Gratuity will be paid to workmen in accordance with the award of the Industrial Tribunal in Reference No. CGIT 52 of 1963. The basic salary for payment of gratuity will be the basic salary last drawn by the employee excluding D.A. and other allowances under this settlement.

11. *Retirement Age*.—The age of retirement from the service of the Company will be 60.

12. *Pension*.—Pension will be granted to employees in lieu of gratuity at the discretion of the Company.

13. *Settional Holidays*.—The existing practice of granting settional holidays shall continue.

14. *Calculation of Arrears*.—(a) For the purpose of calculating the arrears in respect of basic salary, dearness allowance and house rent allowance of workmen for the period commencing from 1st July, 1939, the total monthly earnings (excluding overtime) payable under this settlement will be worked out and the total monthly earnings (including interim relief paid in September 1969, but excluding overtime, if any earned) of the respective workmen for the above mentioned period will be deducted and the balance after making deductions on account of provident fund and income-tax will be paid to the respective workmen as arrears, payable under this settlement. It is agreed that notwithstanding any previous settlements,

interim relief paid by the Company during the aforesaid period will be deducted from the payments due to workmen as mentioned above.

(b) It is agreed that no additional payment on account of overtime, if any, done by workmen prior to date of signing this settlement will be due or claimed by the workmen due to revision of wages/salaries under this settlement or for any other reasons.

15. Period and Scope of Settlement:

(i) This settlement shall remain in force up to 31st December 1971. The settlement shall continue to remain in force thereafter until it is terminated by either party by giving a notice of two months in writing to the other after 31st December 1971.

(ii) The settlement will be applicable only to those workmen for whom the grades are fixed under this settlement and who are in the service of the Company as on the date of signing this settlement or thereafter. However, monetary benefits, if any, accruing under this settlement will be given to the workmen who retired from the service prior to the date of this settlement and to the heirs/executors of those workmen who died prior to the signing of the said settlement.

(iii) Arrears payable to the worker under this settlement shall be paid as early as possible but not later than one month from the date of this settlement.

16. *Settlement not to apply to certain categories.*—Notwithstanding anything contained in the settlement, this settlement shall not apply to part-time and temporary workmen.

17. *General:*

(i) In consideration of this settlement all the demands which are subject matter of the dispute in Reference No. CGIT 2/10 of 1989 which have not been specifically covered by this settlement shall be deemed to have been withdrawn and the workmen shall not agitate for the said demands during the currency of this settlement.

(ii) It is agreed between the parties that during the currency of this settlement the workmen will fully co-operate with the Management in day to day work.

18. The parties shall make an application before the Central Government Industrial Tribunal in Reference No. CGIT 2/10 of 1969 requesting it to make an award in terms of this settlement.

In witness whereof the parties have hereto set their hands the day and year first above written.

(Sd.) Illegible

General Manager.

Witness: (Sd.) R. S. MANI,

The Vulcan Insurance Co. Ltd. Bombay.

(Sd.) Illegible

Dy. Manager and Underwriter,

Witness: (Sd.) B. B. REDIJ.

The Vulcan Insurance Co. Ltd., Bombay.

(Sd.) Illegible

President.

Witness: (Sd.) S C DALAL.

The Vulcan Insurance Co. Ltd., Staff Union.

(Sd.) Illegible

General Secretary.

Witness: (Sd.) N. Y. AYARE.

The Vulcan Insurance Co. Ltd. Ltd., Staff Union.

(Sd.) Illegible

Bambay dated the 8th June, 1970.

SCHEDULE 'A'

THE VULCAN INSURANCE COMPANY LIMITED

A Statement giving classification of workmen into different grades.

In Delhi Regional Office:

1. Senior Assistants—Grade 'A'

With effect from

Shri D.R.Joshi 1st July 1960

„ R.L. Bahl Do.

„ V.M. Monga Dc.

30 K.L. Malhotra Do.

2. *Senior Assistants—Grade 'B'*

Sri V.P. Kaha	1st July 1969
„ P C. Mehra	Do.
„ S P Sharma	Do

3 *Record Clerk*

Shri Kansiram	1st July 1969
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NOTE —The following Employees of the Delhi Regional Office shall receive additional increments in his Grade with effect from 1st July 1969 as mentioned against their names

1 Shri P.C. Mehra	1 Increment.
2 Shri B.B. Sharma	2 Increments

In Madras Regional Office

1 *Senior Assistants*

Shri K S. Ramamoorthy	
„ I.K. Gandhi	
„ G. Govindhan	1st July 1969

Record Clerk

Shri G. Gopal	1st July 1969
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In Poona Regional Office:

1. *Senior Assistants.*

Shri G.G. Phansalkar	
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Record Clerk

Shri N V. Kulkarni	1st July 1969
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[No 25/11/69 LRIII(LRI) I

U MAHABALA (RAO, Dy Secy

(Department of Labour and Employment)

New Delhi, the 6th July 1970

S.O. 2409.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No 2) Dhanbad in the industrial dispute between the employers in relation to the management of M/s Orissa Cement Limited, Rajgangpur, District Sundergarh and their workmen, which was received by the Central Government on the 27th June, 1970.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

PRESENT.

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE No. 6 OF 1969

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES.

Employers in relation to the Lanjiberna Limestone quarry of Messrs Orissa Cement Limited, Rajgangpur, District Sundergarh, Orissa.

AND

Their workmen.

APPEARANCES.

On behalf of the employers.—Shri Gobind Das, Bar-at-Law.

On behalf of the workmen—Shri B B Mohanty, Vice President, Sundergarh Mine Workers Union

STATE: Orissa.

INDUSTRY: Limestone quarry.

Dhanbad, 23rd June, 1970

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Lanjiberna Limestone quarry of Messrs Orissa Cement Limited, Rajgangpur, District Sundergarh, Orissa and their workmen, by its order No. 36(32)/68-LRI dated 21st April, 1969 referred to this Tribunal under Section 10 (1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of Lanjiberna Limestone quarry of Messrs Orissa Cement Limited in not communicating the order sanctioning leave to Shrimati Koily Kujur, Miner, and subsequently terminating her services with effect from the 16th April 1968 were justified? If not, to what relief is the workman entitled?"

2. Employers as well as the workmen filed their statement of demands. The employers also filed a rejoinder to the statement filed by the workmen.

3. It is not in dispute that Smt. Koily Kujur (hereinafter referred to as the affected workman) was a miner in quarry No. 2 of Lanjiberna Limestone quarry of the employers, that she went on leave and that the employers issued the letter dated 25th/26th April 1968 stating that in terms of clause 59 of the standing orders she has been deemed to have been dismissed from the service for oversteaying the period of leave. Now, the case of the workmen is that the affected workman applied for leave for a period of one month in the month of March with effect from 1st April 1968 on medical grounds, that the time keeper asked her to put her thumb impression on a blank application form as per practice, that after she put her thumb impression on the form the time keeper told her that her leave was granted for a period of one month from 8th April 1968 and asked her to proceed on leave, that she demanded the leave order to which she was entitled but she was not supplied with any and was told that it would be sent to her in due course and that to her surprise she was served with the order dated 25th/26th April 1968 stating that her services were terminated under clause 59 of the standing orders. It is also pleaded in the statement that the management terminated the services of the affected workman because of her active trade union activities. According to the statement of the employers the affected workman submitted her leave application for 7 days privilege leave effective from 8th April 1968 to 15th April 1968 on the ground of domestic affairs, that the time keeper receiving the application advised her to go to him next day to receive the sanction order, that her leave was sanctioned on 6th April 1968 by the Manager and the sanction order was sent to the time office for supplying the same to her, but she neither reported to duty thereafter nor came to receive the order of sanction of her leave, that as per clause 56 of the standing orders she should have reported to the time office and received the order of sanction of her leave before actually proceeding on leave, that according to clause 55 of the standing orders the summary of the order passed on leave application is required to be supplied to a workman when she reports for the order of sanction of the leave, that because the affected workman did not report for receiving the sanction of her leave order it was not supplied to her and, as the entire leave asked for by her was sanctioned, non-supply of the sanction order was not material, that inspite of expiry of the sanctioned leave the affected workman did not report to duty on 16th April 1968 or on any subsequent day, that on the report of the Foreman the letter dated 25th/26th April 1968 was issued to the affected workman and that the action of the employers was fully justified under clause 59 of the standing orders. In the rejoinder the employers denied that they acted with a view to victimise the affected workman for her trade union activities. The workmen were represented by Shri B. B. Mohanty, Vice President, Sundargarh Mine Workers Union and the employers by Shri Gobind Das, Bar-at-Law. On admission by the employers, Ext. W.1 for the workmen and on admission by the workmen Exts. M1 to M8 for the employers were marked. On behalf of the workmen 2 witnesses were examined and Exts. M22, M23 and M24 were marked. The employers examined 2 witnesses and marked Exts. M9 to M21.

4. According to the order of reference the matter referred for adjudication involves in it two issues viz., (1) non-communication of the order sanctioning leave to the affected workman and (2) terminating her services. Communication of the order sanctioning leave should be based on any statute or standing orders or practice

prevailing in the quarry of the employers. No law, barring the standing orders, is brought to my notice under which it was mandatory for the employers to communicate the order by which the leave applied for was sanctioned to the affected workman. The standing orders concerning the quarry are Ext. M.8. Clause 55 of the standing orders, Ext. M.8 lays down, "a summary of the order passed on leave application shall be supplied to the workmen". Shri Gobind Das, the learned counsel for the employers has argued at length concerning the meaning of the word "supplied" mentioned in the clause. His contention is that "supply" should always be preceded by "demand". In other words, according to him, if there is no demand the question of supply does not arise at all. The dictionary meaning (Chambers, 20th Century) of the word "supply" does not help us much in this respect. It means to provide, furnish, to fill, etc. The next clause, Clause 56 of the standing orders, Ext. M.8 says that a workman must not proceed on leave until and unless he obtains the sanction of leave in writing applied for by him. Clause 50 of the standing orders, Ext. M.8 lays down that a workman desirous to take leave of absence shall put in his application in the prescribed form. The standing orders have no prescribed form for leave. The leave forms under use at the quarry are printed and they are similar to Exts. M.9 to M.17 and M.22 and M.23. It consists of 3 portions. The first one relates to the leave application and sanction of the leave. The last one is intended to be given as a receipt for the first portion and the middle portion for informing whether the leave has been sanctioned or not and also if the leave is sanctioned in full or in part. The last 2 portions require to mention the name of the applicant and as such, they are meant to be delivered to the workman applying for leave. Sri Gobind Das does not dispute that the middle portion of the form is meant to be delivered to the workman applying for leave, but his contention is that it is required to be given to him when he reports at the office and demands it. Keeping in view Clauses 55, 56 and 50 of the standing orders and also the form used at the quarry I am inclined to agree with the learned counsel for the employers that it is required to be supplied when demanded. The oral evidence led by the parties also speaks to the same practice. M.W.1 is the Assistant Mines Manager since 1960 and he spoke at length about the procedure adopted in the matter of applying and sanctioning of leave. He says that the leave application on the form is submitted by the workman to the time keeper, the time keeper sends it to the Section Officer for recommendation and then to the Labour Officer for scrutiny. The Labour Officer sends it to the Mines Manager or in his absence to the Assistant Mines Manager for sanction. After the leave is sanctioned the form is sent back to the time office where necessary entries are made in the statutory register. The workman goes to the time office on the next day of his submitting the leave application and then he is informed by the time keeper if the leave is sanctioned or not. M.W.2 is the time keeper working since 1958. In the examination-in-chief he did not speak about the practice but spoke about the particular case of the affected workman. But in the cross-examination several questions are put and in answer to them the witness supported the practice deposed to by M.W.1. W.W.2 is the affected workman. She is working in the quarry since 6 or 7 years. On her own showing she had obtained leave during her long period. But she does not speak about the procedure or practice clearly. W.W.1 is a co-worker of W.W.2. She is working in the quarry for the last 10 years as a mazdoor. She says that when the leave is sanctioned the workmen are given a slip showing that the leave is sanctioned and when the concerned workmen are not there it is given to their colleague or sent to their house. She further says that it is not necessary for them to go the next day of submitting the application to find out if the leave is sanctioned. This year also she went on leave and was given the slip to show that her leave was sanctioned. But she could not produce a single slip. She also says again that the time keeper gives the slip when they go there 2 or 3 days later. Regarding the specific instance of her applying for leave in the month of February, 1970 she says that she had applied for leave on Saturday and she was given the sanction slip on Monday from which date she availed the leave. She also says that if the leave is sanctioned the time keeper used to tell her about it. W.W.2 also says that she received slips on previous occasions showing that her leave was sanctioned. But she also did not produce a single such slip. Exts. M.10 to M.14 and M.22 and M.23 show on such slips were issued. On this material I have no hesitation to hold that the slip the middle portion of the form is meant to be given only if demanded after the leave is sanctioned. In practice it appears to me that in no case the middle portion or the last portion was ever demanded or given. I am not inclined to believe the statement of the employers that the middle portion of the form was ever supplied. From the above material it emerges that the practice was that the workmen intending to go on leave used to go to the time keeper or someone else, get the form filled up affix his thumb impression, submit it to the time keeper go to the time keeper again on the next or any subsequent date to know if the leave

was sanctioned and proceed on leave after knowing for how many days the leave was sanctioned. From the material on record I find that this was the practice and that was the reason why the employers also did not find fault with the workmen proceeding on leave without obtaining in writing the sanction of leave. In the written statement the workmen have stated that the affected workman was told by the time keeper that her leave for one month was sanctioned and that she had demanded the leave sanction order, but it was not supplied to her and she was told that it would be sent to her in due course. This allegation was emphatically denied by the employers. W.W.2, the affected workman did not say a word in respect of her demanding the slip sanctioning her leave, much less about her being told that it would be sent to her in due course. She also deposed that no one had told her that she was granted one month's leave. There is no other material to support the allegation made by the workmen in the statement. If in view of the prevailing practice the affected workman did not care to find if the leave applied for by her was sanctioned or not, non-supply of the summary of the order passed on her leave application cannot be argued as unjustified. When she did not demand the leave sanction order, the question of supply in compliance of Clause 55 of the Standing Orders does not arise at all.

5. The affected workman had gone on sanctioned leave and by the letter dated 25/26th April, 1968, Ext. M.2 she was informed that she had been deemed to have been dismissed from service. These facts are not controverted. Ext. M.2, the admitted letter states that her service came to end under clause 59 of the standing orders. Clause 59 of the standing orders, Ext. M.8 runs thus:—

"If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall be deemed to have been dismissed unless (i) he returns within 8 days of the expiry of the leave and (ii) gives explanation to the satisfaction of the authority granting leave of his inability to return in time." Now the question arises as to for what period the affected workman was granted leave and when did she report to duty after expiry of the leave. In this respect the case put forth by the workmen is not consistent. In the written statement the workmen had stated that in the month of March, 1968 the affected workman had applied for leave for a period of one month with effect from 1st April, 1968, that the time keeper, MW.2 had asked her to put her thumb impression to a blank leave application form and that after she put her thumb impression on the form the time keeper verbally told her that her leave was granted for a period of one month from 8th April, 1968 and asked her to proceed on leave. This case is flatly denied by the employers and it is stated on their behalf that the affected workman had applied for only 7 days privilege leave on 5th April, 1968 effective from 8th April, 1968 to 15th April, 1968, that the leave in full as prayed for was sanctioned by the Mines Manager on 6th April, 1968, that the affected workman did not return to duty on 16th April, 1968 or on any date before 25th April, 1968 and that as such she should be deemed to have been dismissed from service in accordance with clause 59 of the standing orders, Ext. M.8. The pleading by itself is not proof when it is denied by the contesting party and the pleading party should prove it with convincing and cogent evidence. As I have already pointed out only 2 witnesses are examined on behalf of the workmen and W.W.2 is the affected workman herself. She says that she could not say on what date, in what month and in what year she had applied for the leave. She also says that no one had told her that she was granted one month's leave. No material is brought on record to show how then she came to know that her leave for one month was granted. Coming to the pleading the written statement in this case was filed on 20th December 1969 and it appears to have been verified by and with the thumb impression of the affected workman. It is not on behalf of any union representing the affected workman. But in her evidence as W.W.2 the affected workman categorically deposed that she did not file any written statement in this case. From the failure report, Ext. M.7 it appears that before the Assistant Labour Commissioner (C). Rourkela the union representing the affected workman had stated that she had applied for leave for one month effective from 1st April, 1968 as per her application dated March, 1968. After her return from leave she appears to have addressed a letter to the Assistant Labour Commissioner (C) Rourkela, a copy of which was sent to the employers for comments. The copy is Ext. M.5 marked on admission by the workmen. It was enclosed by a copy of the letter addressed to the Assistant Labour Commissioner (C) Rourkela. According to that letter she had applied for leave for one month on 2nd April, 1968. The union representing the affected workman has not produced even the office copy of the application said to have been filed by the affected workman in March, 1968 for her leave effective from 1st April.

1968. The affected workman also submitted an application to the Mines Manager on 8th May, 1968 and it is an admitted document, Ext. M.4. In this letter the affected workman had stated that she had applied for one month's leave on health grounds on 2nd April, 1968. It is also significant to note that in the 3rd para of the letter she informed the Mines Manager that her leave was granted only for 15 days instead of for one month. The case of the workmen is that the affected workman gave her thumb impression on a blank leave application form to the time keeper, M.W. 2, who after obtaining her thumb impression on the form, told her that her leave for one month effective from 8th April, 1968 was granted. The affected workman W.W.2 also says that she had given her leave application to the time keeper M.W.2. So there could be no witness or any other evidence barring M.W. 2 who could speak about the fact of the affected workman handing over her leave application. M.W. 2 has stated that on 5th April 1968 the affected workman went to him and asked him how many days leave was due to her. With reference to her leave account he told her that it was 7 days. Then she requested him to fill up the leave form saying that she had no one to fill it up. On this the witness M.W. 2 filled up the form Ext. M.9 and then the affected workman put her LTI to it. The witness continues to say that he told her to find out on the next day if the leave was sanctioned or not. But the affected workman did not return to him at all. As I have already pointed out the time keeper himself does not grant leave and the application form should have to go up to the Mines Manager or in his absence to the Assistant Mines Manager who is the competent authority to grant leave. The evidence of W.W. 1 also shows that the leave is to be granted by someone other than the time keeper himself. So, it looks highly improbable that as soon as the affected workman put her thumb impression to the form asking for one month's leave effective from 1st April, 1968 the time keeper could have told her that it was granted for one month effective from 3th April, 1968. When Ext. M.9 was shown to her, the affected workman W.W.2 deposed that the paper which she had handed over to M.W.2 with her thumb impression on it, was not similar to Ext. M.9 and it was a plain paper as Ext. M.24. Thus, I find no evidence to support the case of the workmen that the affected workman had applied for one month's leave or that the time keeper had told her that it was sanctioned for one month effective from 8th April, 1968. The thumb impression on Ext. M.9 is not challenged. M.W.2 is not even cross-examined on the point if he had obtained thumb impression of the affected workman on a white and blank paper like Ext. M.24. M.W.2 has in his evidence that he has no quarrel with any workman. Neither of the 2 witnesses examined for the workmen nor the union of the workmen has attributed any reason why M.W.2 should take upon himself to give false evidence. May be, being a rustic and illiterate woman the affected workman, W.W.2 could not express herself or was confused while giving evidence. But when the plea is denied and there is not even iota of evidence to substantiate the plea, I cannot hold the plea as proved only because it is taken by workmen, however, I may sympathize with the workmen or the affected workman. On the contrary all the oral and documentary evidence referred to by me above amply support the consistent plea of the employers that the affected workman had submitted her leave application, Ext. M.9 on 5th April, 1968 only for 7 days leave effective from 8th April, 1968 to 15th April, 1968, that she did not appear for duty within 8 days of the expiry of the leave and that as such she was deemed correctly to have been dismissed with effect from 16th April, 1968. In National Engineering Industries Ltd., Jaipur Vs. Hanuman (1967-IIL.L.J. 833) the Supreme Court has pointed out that when the standing orders provides that a workman will lose his lien on his appointment in case he does not join his duty within eight days of the expiry of his leave, it obviously means that his services are automatically terminated on the happening of the contingency. According to the decision no further enquiry or notice is contemplated. I see no reason to hold in the instant case that the termination of service of the affected workman under the circumstances should be considered as not justified.

6. Before parting with the case I should like to mention that even if under the first issue my finding was in favour of the workmen that would not affect the above finding under issue No. 2 unless it is made out that having been told and believing that she was granted leave for one month the affected workman continued to be on leave for one month. But no such case is made out and the affected workman, W.W.2 herself deposed that no one had told her that her leave for one month was sanctioned and Ext. M.9, being the unchallenged leave application of the affected workman shows that the leave was granted only for 7 days expiring on 15th April, 1968.

7. In the result, I find that the action of the management of Lanjiberna Lime Stone Quarry of M/s. Orissa Cement Ltd. in not communicating the order sanctioning leave to Srimati Koili Kurjur, miner and subsequently terminating

her services with effect from the 16th April, 1968 were justified and, consequently, she is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Government Industrial Tribunal
(No. 2) Dhanbad
[No. 36(32)/68-LR-IV.]

S.O. 2410/PWA/Procedure/Rules/Am.—In exercise of the powers conferred by sub-section (1) and (2) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules further to amend the Payment of Wages (Procedure) Rules, 1937, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

1. These rules may be called the Payment of Wages (Procedure) Amendment Rules, 1970.

2. In the Payment of Wages (Procedure) Rules, 1937:

(i) after rule 12, the following rule shall be inserted, namely:—

“12A. Order or direction when to be made.—The Authority or the Court, as the case may be, after the case has been heard, shall make the order or direction either at once or, as soon thereafter as may be practicable, on some future day; and when the order or direction is to be made on some future day, it shall fix a date for the purpose of which due notice shall be given to the parties or their pleaders”.

(ii) In Form F, after item 11, the following item shall be inserted, namely:—

“12. Date by which the amounts awarded shall be paid.”

[No. 535(18)/61-Fac/LR-IV and 19(10)/68-Fac. I/LR-IV.]

अम, रोजगार और प. बर्ष मंत्रालय

(अम और रोजगार विभाग)

नई दिल्ली 6, जुलाई 1970

का० अा० 2410—म० स० अ०/प्रक्रिया/नियम/संशोधन-मजदूरी संधाय अधिनियम, 1936 (1936 का 4) की धारा 24 के साथ पठित उसकी धारा 26 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मजदूरी संधाय (प्रक्रिया) नियम, 1937 में अनि-रिक्त संशोधन करने के लिये एतद्वारा निम्नलिखित नियम बनाती है, जो उक्त धारा 26 की उप-धारा (5) की अपेक्षानसार पहले ही प्रकाशित कर दिये गये हैं, अर्थात् :—

1. ये नियम मजदूरी संधाय (प्रक्रिया) संशोधन नियम, 1970 कहे जा सकेंगे ।

2. मजदूरी संधाय (प्रक्रिया) नियम, 1937 में

(i) नियम, 12 के पश्चात निम्नलिखित नियम अन्तःस्थापित किया जाएगा, अर्थात् :—

“12क. आदेश या निदेश कब दिये जाए । मामले की सुनवाई के पश्चात, यथास्थिति, प्राधिकारी या न्यायालय, आदेश या निदेश तत्क्षण, या तत्पश्चात यथासाध्य शीघ्र किसी आगामी दिन, करेगा ; और जब आदेश या निदेश किसी आगामी दिन को करना हो तो यह उस प्रयोजन के लिए कोई तारीख नियत करेगा जिसकी सम्यक सूचना पक्षों या उनके प्लीडरों को दी जाएगी” ।

(ii) प्ररूप च में, मद 11 के पश्चात, निम्नलिखित मद अन्तःस्थापित की जाएगी, अर्थात् :

“12. वह तारीख, जिस तक कि अधिनिर्णीत रकमें संदत्त की जाएंगी ।”

[सं० 535 (18)/61/कार० 1 और 19 (10)/68-कार-1)]

ORDER

New Delhi, the 6th July 1970

S.O. 2411.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Saltore Colliery of Messrs Burrakur Coal Company Limited, Post Office Saltore, District Purulia and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Saltore Colliery of Messrs Burrakur Coal Company Limited, Post Office Saltore, District Purulia was justified in denying the claim of the scraper Khalasis for Category IV with effect from the 15th August, 1967, in accordance with the recommendation of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their Resolution No. WB-16(5)/66, dated the 21st July, 1967? If not, to what relief are they entitled and, from what date?”

[No. 1/23/70-LRII.]

T. K. RAMACHANDRAN, Under Secy.

आदेश

नई दिल्ली, 6 जुलाई, 1970

क्र० आ० 2411.—यतः केन्द्रीय सरकार की राय है कि इसमें उपाख्य अतुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स बुराकुर कोल कंपनी, लिमिटेड, डाकघर सल्तोर जिला पुरुलिया की सल्तोर कोलियारी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एत द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अतुसूची

“क्या मेसर्स बुराकुर कोल कंपनी लिमिटेड, डाकघर सल्तोर, जिला पुरुलिया की सल्तोर कोलियारी के प्रबन्धतंत्र का स्केपर खलासियों के, भारत सरकार द्वारा अपने संकल्प सं० डब्ल्यू० बी—16(5)/66 तारीख 21 जुलाई, 1967 में यथा प्रतिगृहीत केन्द्रीय मजदूरी बोर्ड, कोयला खनन उद्योग की सिफारिशों के अनुसार, 15 अगस्त, 1967 से प्रवर्ग 4 के लिए दावे से इंकार करना न्यायोचित था ? यदि नहीं, तो वे किस अनुलोप के और किस तारीख से हकदार हैं ?

[सं० 1/23/70-एल० आर० II]

टी० के० रामचन्द्रन, अवर सचिव ।

(Department of Labour and Employment)

New Delhi, the 6th July 1970

S.O. 2412.—In exercise of the powers conferred by sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby constitutes with effect from the 6th July, 1970, the Central Board of Trustees consisting of the following persons, namely:—

Chairman

1. The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi.

Members

2. The Joint Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), (In-charge Provident Funds), New Delhi.
3. Shri Dharni Dhar, Deputy Secretary and Internal Financial Adviser, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi.
4. The Deputy Secretary to the Government of India, Ministry of Industrial Development, Internal Trade and Company Affairs (Department of Industrial Development), New Delhi.
5. The Deputy Secretary to the Government of India, Ministry of Finance (Department of Expenditure) (Labour and Rehabilitation Branch), New Delhi.
6. Shri B. S. Bhatnagar, Under Secretary to the Government of India, Ministry of Steel and Heavy Engineering, New Delhi.
7. The Secretary to the Government of Bihar, Department of Labour and Employment, Patna.
8. The Deputy Secretary to the Government of Gujarat, Education and Labour Department, Ahmedabad.
9. The Deputy Secretary (Health and Labour) to the Government of Kerala, Health and Labour (G), Department, Trivandrum.
10. The Secretary to the Government of Maharashtra, Industries and Labour Department, Bombay.
11. The Secretary to the Government of Mysore, Food, Civil Supplies and Labour Department, Bangalore.
12. The Secretary to the Government of Tamil Nadu, Labour Department, Madras.
13. The Commissioner of Labour, Government of Uttar Pradesh, Kanpur.
14. The Secretary to the Government of West Bengal, Labour Department, Calcutta.
15. The Joint Secretary to the Government of Andhra Pradesh, Home Department, Hyderabad.
16. The Secretary to the Government of Madhya Pradesh, Labour Department, Bhopal.
17. The Secretary to the Government of Orissa, Labour, Employment and Housing Department, Bhubaneswar.
18. The Labour Commissioner, Delhi Administration, 15, Rajpur Road, Delhi.
19. Shri Surrottam P. Hutheesing, Shahibag, Ahmedabad.
20. Shri S. N. Bose, Director, Bata Shoe and Company (Private) Limited, 30 Shakespeare Sarani, Calcutta-17.
21. Shri H. P. Merchant, 'Shakti Villa', Ground Floor, 14, Laburnum Road (Gamdevi), Bombay-7.
22. Shri M. V. Arunachalam, Carborandum Universals Limited, 11/12, North Beach Road, Madras-1.
23. Dr. Mohanlal Piramal, Managing Director, Morarjee Goculdas (Spinning and Weaving Company Ltd., Dr. Ambedkar Road, Parel Bombay-12.

Officials of the
Central Government.

Representatives
of the State
Governments.

Representatives of employers appointed by the Central Government in consultation with the Organisations of employers.

24. Shri M. Ghose, Labour Adviser, Bengal Chamber of Commerce and Industry, Royal Exchange, 6 Netaji Subhas Road, Calcutta-1.
25. Shri M. C. Narasimhan, President, Karnatak Provincial Committee of All India Trade Union Congress, No. 2 Mill Corner, Sampige Road, Bangalore-3.
26. Shri Diwaker, Vice President, M. P. State Committee of A.I.T.U.C., 29-B, Rajindra Nagar, District (Indore) (M. P.).
27. Shri Kisan Tulpule, General Secretary, Mill Mazdoor Sabha, 39, Patel Terrace, Parel, Bombay-12.
28. Kali Mukherjee, President, Indian National Trade Union Congress Bengal Branch, 177/B, Acharya Jagadish Bose Road, Calcutta-14.
29. Shri N. S. Deshpande, General Secretary, Rashtriya Mill Mazdoor Sangh, Parel, Bombay-12.
30. Shri R. N. Sharma, Vice President, Colliery Mazdoor Sangh, Polytechnic Road, Dhanbad.

Representatives of employees appointed by the Central Government in consultation with the Organisations of employees.

[No. 12(5)/69-PF.II.]

श्रम और रोजगार विभाग

नई दिल्ली, 6 जुलाई, 1970

का० आ० 2412.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 5 क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार न्यासियों का केन्द्रीय बोर्ड 6 जुलाई, 1970 में गठित करती है, जो निम्नलिखित व्यक्तियों से मिलकर बनेगा, अर्थात् :—

अध्यक्ष

1. सचिव, भारत सरकार
श्रम, रोजगार और पुनर्वास मंत्रालय
(श्रम और रोजगार विभाग) नई दिल्ली

सदस्य

2. संयुक्त सचिव, भारत सरकार
श्रम, रोजगार और पुनर्वास मंत्रालय
(श्रम और रोजगार विभाग), नई दिल्ली
(कार्यभारी भविष्य निधि)
3. श्री धरनीधर, उपसचिव, और आन्तरिक वित्त सलाहकार
श्रम, रोजगार और पुनर्वास मंत्रालय
श्रम और रोजगार विभाग) नई दिल्ली
4. उप सचिव, भारत सरकार, औद्योगिक विकास आन्तरिक
व्यापार और कम्पनी कार्य मंत्रालय
(औद्योगिक विकास विभाग) नई दिल्ली
5. उपसचिव, भारत सरकार,
वित्त मंत्रालय,
(व्यय विभाग) (श्रम और पुनर्वास शाखा)
नई दिल्ली
6. श्री बी० एम० भट्टनागर, अवसर सचिव,
भारत सरकार,
इस्पात और भारी इंजीनियरी मंत्रालय
नई दिल्ली

केन्द्रीय सरकार के
पदाधिकारी

7. सचिव, बिहार सरकार,
श्रम और रोजगार विभाग, पटना
8. उपसचिव, गुजरात सरकार,
शिक्षा और श्रम विभाग, अहमदाबाद
9. उपसचिव, (स्वास्थ्य और श्रम) केरल सरकार,
स्वास्थ्य और श्रम (जी) विभाग, त्रिवेन्द्रम
10. सचिव, महाराष्ट्र सरकार,
उद्योग और श्रम विभाग, मुम्बई
11. सचिव, मैसूर सरकार,
खाद्य, सिविल पूर्ति और श्रम विभाग, बंगलौर
12. सचिव, तमिलनाडु सरकार,
श्रम विभाग, मद्रास
13. श्रम आयुक्त, उत्तर प्रदेश सरकार,
कानपुर
14. सचिव, पश्चिम बंगाल सरकार,
श्रम विभाग, कलकत्ता
15. संयुक्त सचिव, आन्ध्र प्रदेश सरकार,
गृह विभाग, हैदराबाद
16. सचिव, मध्य प्रदेश सरकार,
श्रम विभाग, भोपाल
17. सचिव, उडिसा सरकार,
श्रम, रोजगार और आवास विभाग, भवनेश्वर
18. श्रम आयुक्त, दिल्ली प्रशासन,
15, राजपुर रोड, दिल्ली

राज्य सरकारों के
प्रतिनिधि

19. श्री मुरोत्तम पी० हठी सिंह,
शाही बाग, अहमदाबाद
20. श्री एस० एन० बोस, निदेशक,
बाटा शू एण्ड कं० (प्रा०) लिमिटेड,
30, गेक्सपियर सरनी, कलकत्ता-17
21. श्री एच० पी० मर्चेंट,
“शक्ति विला”, भूमंजिल,
14, लखुराय रोड, (गामदेवी) मुम्बई 7
22. श्री एस० बी० अरुनाचलम,
कार्बोरेन्डम यूनिवर्सल्स लिमिटेड,
11/12, नार्थ बीच रोड, मद्रास-1
23. डा० मोहनलाल पीरामल,
प्रबन्ध निदेशक, मुरारजी गोकुलदास स्प्रिंग एण्ड विविग
कम्पनी लिमिटेड,
डा० अम्बेदकर रोड, परेल मुम्बई-12

नियोजकों के संगठनों
के परामर्श से केन्द्रीय
सरकार द्वारा नियुक्त
नियोजकों के प्रतिनिधि

24. श्री एम० घोष, श्रम सलाहकार,
बंगाल चेम्बर आफ कामर्स एण्ड इंडस्ट्रीज,
गयल एक्सचेंज, 6 नेताजी सुभाष रोड, कलकत्ता-1
25. श्री एम० सी० नीसिमहन, अध्यक्ष,
आल इंडिया ट्रेड यूनियन कांग्रेस की कर्नाटक प्रांतीय समिति,
सं० 2, मिल कार्नेर, मेम्पिज रोड, बंगलोर-3
26. श्री दिवाकर, उपाध्यक्ष,
आल इंडिया ट्रेड यूनियन कांग्रेस की मध्य प्रदेश प्रांतीय
समिति, 29 बी, राजेन्द्र नगर, जिला इन्दौर (मध्य प्रदेश)
27. श्री किशन दुलप्यूल, महासचिव,
मिल मजदूर सभा,
39, पटेल टेरेस, परेल, मुम्बई-12
28. श्री काली मुखर्जी, अध्यक्ष,
इंडियन नेशनल ट्रेड यूनियन कांग्रेस,
बंगाल शाखा, 177-बी आचार्य जगदीश बोस रोड,
कलकत्ता-14
29. श्री एन० एस० देसपाण्डे, महासचिव,
राष्ट्रीय मिल मजदूर संघ,
परेल, मुम्बई-12
30. श्री आर० एन० शर्मा, उपाध्यक्ष,
कोलियरी मजदूर संघ,
पार्लिमेन्टरी रोड, धनबाद ।

कर्मचारियों के संगठनों
के परामर्श से केन्द्रीय
सरकार द्वारा नियुक्त
कर्मचारियों के प्रति-
निधि

[सं० 12/69-पी० एफ० 2]

New Delhi, the 8th July 1970

S.O. 2113.—Whereas the State Government of West Bengal, has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri S. R. Das, Secretary to Government of West Bengal, Labour Department, Calcutta, to represent that State on the Employees' State Insurance Corporation in place of Shri M. M. Kusari;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551 dated the 9th August, 1966, namely:—

In the said notification, under heading "[Nominated by the State Governments under clause (d) of section 4]", for the entry against item 21, the following entry shall be substituted, namely:—

"Shri S. R. Das,
Secretary to the Government of West Bengal,
Labour Department, Calcutta".

[No. F.3/2/69-HI.]

नई दिल्ली, 8 जुलाई, 1970

का०आ० 2413.—यतः पश्चिम बंगाल राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री एस० आर० दास, सचिव, पश्चिम बंगाल, श्रम विभाग, कलकत्ता को श्री एम० एम० कुमारी के स्थान पर कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिये नाम निर्दिष्ट किया है ।

अतः अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2551, तारीख 9 अगस्त, 1966 में एतद्वारा और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “(राज्य सरकारों द्वारा धारा 4 के खण्ड (घ) के अधीन नाम निर्दिष्ट)” शीर्षक के नीचे मद 21 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

“श्री एम० आर० दास,
सचिव, पश्चिम बंगाल, सरकार,
श्रम विभाग, कलकत्ता”

[सं० फा० 3/2/69-एच० आई०]

S.O. 2414.—In exercise of the powers conferred by clause (e) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899, dated the 27th September, 1966, namely:—

In the said notification under the heading “(Nominated by the Central Government under clause (e) of sub-section (1) of section 10, in consultation with organisations of employers recognised by that Government)” for the entry against item (19), the following entry shall be substituted, namely:—

“R. N. Joshi, Aqua, Marine,
Nowroji Gamadia Road, Bombay-26.”

[No. F. 3/2/69-HI(i).]

का०आ० 2414.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (इ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2899, तारीख 27 सितम्बर, 1966 में और आगे निम्नलिखित संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “(केन्द्रीय सरकार से मान्यता प्राप्त नियोजकों के संगठनों के परामर्श से धारा 10 की उपधारा (1) के खण्ड (इ) के अधीन केन्द्रीय सरकार द्वारा नाम निर्दिष्ट)” शीर्षक के नीचे मद (19) के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

“आर० एन० जोशी, एक्वामेरिन,
नौरोजी गामदिया रोड, मुंबई-26”

[सं० फा० 3/2/69-एच० आई० (i)]

S.O. 2415.—In exercise of the powers conferred by sub-section (f) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 2551 dated the 9th August, 1966, namely:—

In the said notification, under the heading “(Nominated by the Central Government under clause (f) of section 4 in consultation with the organisations of employers recognised by the Central Government for the purpose)”, for the entry against item 23, the following entry shall be substituted:—

“R. N. Joshi, Aqua Marine,
Nowroji Gamadia Road,
Bombay-26.”

[No. F. 3/2/69-HI(ii).]

का० आ० 2415.—कर्मचारी राज्य बीमा अधिनियम, 1948, (1948 का 34) की धारा 4 की उपधारा (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 2551, तारीख 9 अगस्त, 1966 में और आगे निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “(केन्द्रीय सरकार से इस प्रयोजन के लिये मान्यता प्राप्त नियोजकों के संगठनों के परामर्श से धारा 4 के खण्ड (च) के अधीन केन्द्रीय सरकार द्वारा नाम निर्दिष्ट शीर्षक के नीचे मद 23 के मामले की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:—

“आर० एन० जोशी, एक्वामेरीन,
नीरोजी गामादिया रोड, मुंबई-26”

[सं० फा० 3/2/69-एच० आई० (ii)]

S.O. 2416.—Whereas the State Government of Assam, has in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri T. S. Gill, Secretary to the Government of Assam, Labour Department, to represent that State on the Employees' State Insurance Corporation in place of Shri B. K. Bhuyan;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551 dated the 9th August, 1966, namely:—

In the said notification, under the heading “(Nominated by the State Governments under clause (d) of section 4)”, for the entry against item 9, the following entry shall be substituted, namely:—

“Shri T. S. Gill,
Secretary to the Government of Assam,
Labour Department, Shillong.”

[No. F. 3/2/69-HI(iii).]

का० आ० 2416.—यतः असम राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री टी० एस० गिल, सचिव, असम सरकार, श्रम विभाग को श्री बी०के० भुयन के स्थान पर कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिये नाम निर्दिष्ट किया है ;

अतः अब कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण केन्द्रीय सरकार एतद्वारा भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय

(श्रम और रोजगार विभाग) को अधिसूचना सं० का० आ० 2551, तारीख 9 अगस्त, 1966 में और आगे सशोधन करती है अर्थात् —

उक्त अधिसूचना में “(राज्य सरकारों द्वारा धारा 4 के खण्ड (ब) के अधीन नाम निर्दिष्ट)”

शोरूम के नौवें मद 9 के समाने को प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् —

“श्री टी० एस० गिल,
सचिव, असम सरकार,
श्रम विभाग, शिनाग ”

[स० का० 3(2)/69-एच० आई०-iii]

New Delhi, the 10th July 1970

S.O. 2417.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the factories, known as (1) Corporation Printing Press, Nagpur, (2) Nagpur Corporation Workshop, Nagpur and (3) Gorewara Pumping Station, Nagpur in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 4th April, 1970, upto and inclusive of the 3rd April, 1971.

[No F 6/77/69-HI]

नई दिल्ली, 10 जुलाई, 1970

का० आ० 2417—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73ब द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार (1) कारपोरेशन प्रिंटिंग प्रेस, नागपुर (2) कारपोरेशन वर्कशॉप, नागपुर और (3) गारेवाडा पंपिंग स्टेशन, नागपुर की ऐसे क्षेत्र जिसमें उक्त अधिनियम के अध्याय VI और V के उपबन्ध प्रवृत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय V के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के सदाय से 4 अप्रैल, 1970 से 3 अप्रैल, 1971 तक जिसमें यह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[स० का० 6(77)/69-एच० आई०]

S.O. 2418.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts from the provisions of the said Act, except Chapter VA thereof, all employees of factories or establishments under the control of the Central Government,

- (a) who are employed for a period of less than seven months in a year in an area in which the provisions of Chapters IV and V are in force, or
- (b) who are employed in an area in which the provisions of Chapters IV and V are not in force on any work connected with the administration; or with the purchase of raw materials, or the distribution, or sale of the products, of a factory which is situated in an area in which the provisions of Chapters IV and V are in force

2 The above exemption is subject to the following conditions, namely —

- (i) The factories shall maintain a register showing the names and designations of the exempted employees,
- (ii) The employees shall continue to receive such benefits under the said Act as they might have become entitled to on the basis of the contributions paid before the date of publication of this notification.

- (iii) The contribution paid by an employee during the period before he is exempted under this notification shall not be refunded and he shall continue to receive such benefits under the said Act to which he would be entitled on the basis of these contributions paid.

[No. F. 6/89/68-HL.]

कां०आ० 2418.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा केन्द्रीय सरकार के नियंत्रणाधीन कारखानों या स्थापनों के उन सभी कर्मचारियों को, अध्याय 5क के सिवाय, उक्त अधिनियम के उपबन्धों से छूट देती है,

(क) जो वर्ष में सात मास में कम को कालावधि के लिए ऐसे क्षेत्र में नियोजित है जिसमें अध्याय 4 और 5 के उपबन्ध प्रवृत्त हो, या

(ख) जो ऐसे क्षेत्र में, जिसमें अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, किसी ऐसे कारखाने के प्रशासन, कच्चे माल के फ़र या उत्पाद के वितरण अथवा विक्रय से सम्बन्धित किसी कार्य पर नियोजित है, जो ऐसे क्षेत्र में स्थित है जिसमें अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं।

2. उपर्युक्त छूट निम्नलिखित शर्तों के अध्याधीन होगी, अर्थात् :—

- (i) कारखाने एक रजिस्टर रखेंगे जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम होंगे।
- (ii) कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएँ प्राप्त करने रहेंगे जिसके लिए वे इस अधिसूचना के प्रकाशन की तारीख के पूर्व सत्त अभिदाया के आधार पर हकदार हो गए हो ;
- (iii) कर्मचारी को इस अधिसूचना के अन्तर्गत छूट दिए जाने से पूर्व उसके द्वारा सन्दत्त अभिदाय का प्रतिदाय नहीं किया जाएगा और वह उक्त अधिनियम के अधीन ऐसी प्रसुविधायें प्राप्त करता रहेगा जिनके लिए वह इन सत्त अभिदायों के आधार पर हकदार होगा।

[सं० फा० 6/89/68-एच० आई०]

S.O. 2419.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2496 dated the 17th June, 1969, the Central Government having regard to the location of the Central Jail Woollen Factory, Bhagalpur, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 20th April, 1970, upto and inclusive of the 19th April, 1971.

[No. F.601(9)/70-HL.]

कां०आ० 2419.—कर्मचारी राज्यबीमा अधिनियम 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० कां० आ० 2496 तारीख 17 जून, 1969 के क्रम में केन्द्रीय सरकार मेट्रल जेल कुल फेक्टरी, भागलपुर को ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय IV और V के उपबन्ध प्रवृत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त फेक्टरी को उक्त अधिनियम के अध्याय V के अधीन उद्घाटनीय नियोजक के विशेष अभिदाय के सदाय से 20 अप्रैल, 1970 से 19 अप्रैल 1971 तक जिसमें यह दिन भी सम्मिलित है एक वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० फा० 601 (9)/70-एच आई०]

S.O. 2420.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2501 dated the 17th June, 1969, 1969, the Central Government having regard to the location of the factories, known as (1) Jamalpur Drainage Pumping Station and (2) New Suburban Drainage Pumping Station belonging to the Ahmedabad Municipal Corporation, Ahmedabad, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factories from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st June, 1970 upto and inclusive of the 31st May, 1971.

[No. F.601(10)/70-HI.]

का० प्रा० 2420—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 2501 तारीख 17 जून, 1969 के क्रम में केन्द्रीय सरकार (1) जमालपुर ड्रेनेज पम्पिंग स्टेशन और (2) अहमदाबाद नगर निगम, अहमदाबाद के न्यू सबर्बन ड्रेनेज पम्पिंग स्टेशन नामक कारखानों की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रदत्त हैं, अवस्थिति को ध्यान में रखते हुए उक्त कारखानों को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 1 जून, 1970 से 31 मई, 1971 तक जिसमें यह दिन भी सम्मिलित है, एक और वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० का० 601(10)/70-एच० आई०]

S.O. 2421.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) No. S.O. 2655, dated the 25th June, 1969, the Central Government, having regard to the location of the Government Regional Press, Tiruchirapalli, Madras, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said press from the payment of the Employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 1st June, 1970 upto and inclusive of the 31st May, 1971.

[No. F. 601(11)/70-HI.]

का० प्रा० 2421—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 2655 तारीख, 25 जून, 1969 के क्रम में केन्द्रीय सरकार गवर्नमेंट रीजनल प्रेस, तिरुचिरापल्ली, मद्रास की ऐसे क्षेत्र में जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रदत्त हैं अवस्थिति को ध्यान में रखते हुए उक्त प्रेस को उक्त अधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 1 जून, 1970 से 31 मई, 1971 तक जिसमें यह दिन भी सम्मिलित है एक और वर्ष की कालावधि के लिए एतद्द्वारा छूट देती है।

[सं० का० 601(11)/70-एच० आई०]

S.O. 2422.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government having regard to the location of the Municipal Static Power Laundry, Bombay, in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said Laundry from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 4th April, 1970 upto and inclusive of the 3rd April, 1971.

[No. 602(3)/70-HI.]

का० आ० 2422—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार म्युनिसिपल स्टेटिक पावर लाण्ट्री मुबई की ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त हैं, अवस्थित को ध्यान में रखते हुए उक्त लाण्ट्री को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 4 अप्रैल, 1970 से 3 अप्रैल 1961 तक जिसमें यह दिन भी सम्मिलित है एक वर्ष की कालावधि के लिए छुट देती है।

[सं० फा० 602(3)/70-एच०आई०]

S.O. 2423.—In exercise of the powers conferred by section 14 of the Maternity Benefit Act, 1961 (53 of 1961), the Central Government hereby appoints Shri Arjun Prasad Jayaswal, Welfare Organiser/Assistant Inspector Labour Welfare (Mines), as an Inspector for the purposes of the said Act in respect of all the Coal Mines in India.

[No. F. 905(2)/70-HI.]

DALJIT SINGH, Under Secy.

का० आ० 2423—प्रसूति प्रसुविधा अधिनियम, 1961 (1961 का 53) की धारा 14 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री अर्जुन प्रसाद जायसवाल, कल्याण संचालक सहायक श्रम कल्याण निरीक्षक (खान), को उक्त अधिनियम के प्रयोजनों के लिए भारत की सभी कोयला खानों की बाबत, एनद्वारा निरीक्षक के रूपमें नियुक्त करती है।

[सं० फा० 905(2)/70-एच० आई०]

दलजीत सिंह, अवसर सचिव।

(Department of Labour & Employment)

New Delhi, the 7th July 1970

S.O. 2424.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs Sincro Coal Transporting Contractor, Sripur Seam Incline Colliery, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 30th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 10 OF 1970

PARTIES:

Employers in relation to the Messrs Sincro, Coal Transporting Contractor,
Sripur Seam Incline Colliery,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri D. Basu Thakur, Advocate.

On behalf of Workmen.—Sri S. P. Mazumdar, Bar-at-Law.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 1/25/69-LR. II, dated March 6, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to Messrs Sinco, Coal Transporting Contractor, Sripur Seam Incline Colliery and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Messrs Sinco, transporting contractor at Sripur Seam Incline Colliery, Post Office Kalipahari, District Burdwan is justified in not implementing the recommendations of the Wage Board for Coal Mining Industry? If not, to what relief are the workmen employed by them entitled and from what date?"

2. Sripur Seam Incline Colliery belongs to Lodna Colliery Company (1920) Limited. About this fact there is no dispute. The partnership business, known as Messrs Sinco, carry on, amongst other businesses, the business of transportation in lorries and trucks. In the written statement filed on behalf of Messrs Sinco, it is pleaded, in paragraphs 1 and 2 as follows:

"(1) That M/s. Sinco are contractors for transporting coal of the Sripur Seam Incline from the depot to the Railway Siding.

(2) That for the execution of the above contract works of M/s. Sinco use their own/hired trucks and engage drivers and khalsis etc., to drive those vehicles. It may be mentioned that the number of workers employed are about 35."

It is further pleaded in paragraphs 6 and 7 of the written statement as follows:

"(6) That it is submitted that M/s. Sinco are not the owners of any colliery and as such the present reference by the Central Government is incompetent.

(7) That it is submitted that the recommendations of the Central Wage Board are inapplicable to M/s. Sinco and their employees."

3. The workmen, represented by the General Secretary, Ningha Colliery Mazdoor Union, filed a written statement. It was pleaded in the said written statement that the transportation of coal from Sripur Seam Incline Colliery form an important and regular work to be carried on in the said colliery. The said transportation work, it was further pleaded, form a part and parcel of the "primary function", namely, the raising and despatch of coal of the principal employer, Messrs Lodna Colliery Company (1920) Limited, in paragraphs 7 and 8 of the said written statement it was further pleaded:

"7. That with the sole motive to deprive the workmen of their legitimate, just and fair dues, the principal employer above-named quite illegally, wrongfully and against all principles of law and equity and reason and fairness has engaged the contractor, Messrs Sinco Coal Transporting Contractor for carrying out the aforesaid job on contract basis and the said contractor has been carrying on the part of main work of the colliery viz., the transporting of coal as stated above.

8. That the workmen named in the schedule below are employed and engaged in performing one of the primary and vital job of the colliery and they are all colliery workers. With all fairness, reason and justice they are entitled to get the wages as per recommendations of the Wage Board."

On the aforesaid pleading, the workmen claimed that the recommendations of the Wage Board should be fully implemented in respect of 35 workmen named in the schedule to the written statement, with effect from August 15, 1967.

4. There was a short written statement filed on behalf of the Lodna Colliery Company (1920) Limited, of which paragraph 3 reads as follows:

"That, since M/s. Lodna Colliery Co., (1920) Ltd., have been mentioned as the Principal Employer in the written statement of the Workmen and since allegations have been made therein, the Company begs to deny any employer-employee relationship with the workmen and deny all

allegations contained therein and also submit that since the Company is not a party to the present dispute the Honourable Tribunal will be pleased not to take any notice of the allegations being irrelevant and beyond the scope of the reference."

5. Now the recommendations of the Central Wage Board for Coal Mining Industry apply to coal mines and to certain departments and undertaking thereof specially mentioned in Chapter IV, Vol. I of the Report. A motor transportation contractor, who enters into a contract with a colliery for carriage of coal from the colliery to the railway siding, does not fall to be covered by the recommendations of the Wage Board. It appears from the evidence of Trilochan Singh, one of the partners of Messrs Sinco, who was examined as a court witness, that Messrs Sinco, carry on several business one of them is transportation business. They own their own lorries and trucks and employ those lorries and trucks, under the contract, in carriage of coal from the Sripur Seam Incline Colliery to the railway siding. The workmen were employed by them as transportation labourers. Such an employer is not liable to implement the recommendations of the Wage Board for Coal Mining Industry.

6. Mr. Basu Thakur, who appeared for the management of Messrs Sinco, contended that the industry concerned in the instant reference was a motor transportation industry and the appropriate Government to refer an industrial dispute between such an industry and their workmen was not the Central Government but the State Government and that the instant reference should be condemned as not made by appropriate Government. There may be substance in this argument.

7. On behalf of the workmen, two workmen were examined who tried to make a case that they were formerly workmen under the Lodna Colliery (1920) Ltd., I do not feel impressed by their evidence. Assuming for the sake of argument that they were such workmen, it appears that they left the services of the company and joined the services of Messrs Sinco, Transportation Contractor. That being the position, the fact that at one historical stage they were servants of Lodna Colliery Company (1920) Limited does not make any difference.

8. In any view of the matter, this is a reference in which the workmen are not entitled to any relief. I hold that the management of Messrs Sinco, transporting contractor at Sripur Seam Incline Colliery was justified in not implementing the recommendations of the Wage Board for Coal Mining Industry and that the workmen are not entitled to any relief.

This is my award.

Dated, June 22, 1970. ...

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 1/25/69-LRII.]

S.O. 2425.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of R. N. Bagchi Dobari Colliery, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 1st July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD
REFERENCE NO. 78 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employer in relation to the management of R. N. Bagchi Dobari Colliery..
Vs.

Their workmen.

APPEARANCES:

For employers: None Appeared.

For workmen: None appeared.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, the 22nd of June, 1970

AWARD

1. The Central Government, being of opinion that an industrial disputes exists between the employers in relation to the management of R. N. Bagchi Dobari Colliery, Post Office Jharia, District Dhanbad and their workmen by its order No. 2/53/69-LR II, dated the 23rd of October, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the management of R. N. Bagchi Dobari Colliery, Post Office Jharia, District Dhanbad was justified in denying work to Shri Dwarka Yadav, Surface Trammer with effect from the 15th October, 1968? If not, to what relief is the workman entitled?"

2. The matter was referred to this Tribunal, for adjudication, *vide* Govt. of India Order No. 2/53/69-LR II dated the 23rd October, 1969. Although more than seven months have elapsed none of the parties submitted their written statement so far contrary to the provision of Section 10(B) of the Industrial Disputes, Rules, 1957 which requires that within two weeks from the date of receipt of the reference both the parties shall file with the Tribunal their respective written statement.

3. Two notices dated 4th November, 1969 and dated the 7th January, 1970 were issued to both the parties concerned for filing their written statements but there was no response from either of them.

4. Then the matter was fixed for preliminary hearing on the 8th May, 1970 and both the parties were directed to file their written statement latest by the 15th April 1970. But none of the parties submitted written statement and neither even appeared on 8th May, 1970. No petition, by either party, was made for adjournment. However, in order to give them final opportunity another notice dated the 8th May, 1970, was served on both the parties requiring them to file their written statements on or before the 31st May, 1970. There was no response from either party and they failed to submit written statements. Even there was no prayer from either of them praying for any further time.

5. In this view of the case I am of the opinion that the parties are no more interested in the proceeding with the reference. There is no explanation for their conduct, except disinterestedness in the dispute.

6. In these circumstances, I presume that no dispute further exists between the parties and I record a "NO DISPUTE" award between the parties.

7. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer,

Central Government Industrial Tribunal (No. 3) Dhanbad.

[No. 2/53/69-LR. II.]

S.O. 2426.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Ramnagar Colliery of Messrs Jaipuria Samja Amalgamated Collieries Limited, Post Office Pandaveshwar, District Burdwan, and their workmen, which was received by the Central Government on the 2nd July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 11 OF 1970

PARTIES:

Employers in relation to the management of Ram Nagar Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited,

AND

Their workmen.

PRESENT:

Mr. B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of the Employers—Sri R. Ramachandran, Group Labour Officer.

On behalf of the Workmen—Sri Dinesh Singh, Secretary, Colliery Mazdoor Sabha.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/77/69-LR.II, dated March 6, 1970, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the management of Ram Nagar Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited (now Swadeshi Mining & Manufacturing Company Ltd.), and their workmen, to this Tribunal, for adjudication namely:

“Whether the management of Ram Nagar Colliery of Messrs Jaipuria Samla Amalgamated Collieries Limited, Post Office, Pandaveswar, District Burdwan was justified in dismissing the following workers from 21st November, 1968? If not, to what relief, they are entitled?”

- (1) S/Shri Raj Bahadur Koiri, (2) Jogeshwar Passi, (3) Jagannath Shaw, (4) Fagun Passi, (5) Munna Passi, (6) Gumti Chamar, Under Ground Loader and (7) Badri Guroria, Driller.”

2. I need not adjudicate the dispute on merits. The dispute has been settled between the management and the workmen, mainly on the terms that the management would take back two of the dismissed workmen, namely, Jagannath Shaw and Gumti Chamar and would pay various lump sums as compensation for the dismissal to the remaining workmen named in the Order of reference. The parties filed a formal petition of compromise before this Tribunal and prayed for an award in terms of the compromise.

3. On the joint prayer of the parties this matter was taken up earlier than the date fixed for the peremptory hearing thereof. In view of the compromise, I pass an award in terms of the said compromise. Let the petition of compromise form part of this award.

(Sd.) B. N. BANERJEE,

Dated, June 29, 1970.

Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 11 of 1970

AND

In the matter of an Industrial dispute

BETWEEN

The Employers in relation to the management of Ramnagar Colliery of Messrs. Swadeshi Mining & Manufacturing Co. Ltd., P.O. Pandaveswar, Burdwan

AND

Their workmen represented by

Colliery Mazdoor Sabha, Raniganj, Burdwan

The humble joint petition of both the parties above named
Most Respectfully Sheweth:

1. That the parties have jointly and amicably settled the above referred dispute on the following terms and conditions:

- (a) On assurance of good conduct in future the employers hereby agree to reinstate within a week from date S./Sri Gonti Chamar and Jagan-nath Shaw in their former posts. The period from the date of dismissal to the date of reinstatement shall be treated as leave without wages. This will not prejudice any other proceedings in any other court.
- (b) The employers shall pay to the other concerned workmen the amounts mentioned below against each of them in full and final settlement of all their claims for reinstatement and for any other claims:

Sri Jogeswar Pashi	Rs. 700/-
Sri Badri Gareria	Rs. 700/-
Sri Fagun Pashi	Rs. 700/-
Sri Manna Pashi	Rs. 500/-
Sri Rajbahadur Koiri	Rs. 400/-

The above amounts will be in addition to their other legal dues. The above amounts shall be paid to the concerned workmen in the presence of a representative of the Union on 4th July 1970. On this date if the payment cannot be made for any reason the amounts shall be paid through the Union within 11th July 1970. The vacant possession of the quarter also would be given. The services of the above workmen would be treated as terminated.

2. That the above mentioned dispute is settled in terms of this settlement.

The petitioners therefore pray that the Honourable Tribunal may be pleased to accept the terms of this settlement and pass an Award accordingly and such other order or orders as may be considered fit and necessary.

And for this act of kindness, the petitioners as in duty bound shall ever pray.

Representing the Union

(Sd.) DINESH SINGH,
Secretary
Colliery Mazdoor Sabha,
Raniganj.

Representing the Employers
(Sd.) R. RAMACHANDRAN,
For Swadeshi Mines &
Mfg. Co. Ltd.,
(Sd.) Illegible
Director,
Executive Officer.

Group Labour Officer.

[No. 6/77/69-LR.II.]

S.O. 2427.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ramsaran Mali, Guard, Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad, which was received by the Central Government on the 1st July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer

PARTIES:

Shri Ramsaran Mali, Guard, Balihari Colliery of Messrs. Balihari Colliery Co. (P) Ltd., P.O.: Kusunda (Dhanbad)—*Complainant*

Vs.

Ballihari Colliery of M/s. Ballihari Colliery Co. (P) Ltd.—*Opp. Party*

APPEARANCES:

For Complainant—Shri S. V. Achariar, Genl. Secretary

For Opp. Party—Sri S. S. Mukherjee, Advocate & Executive Committee Member.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 19th of June, 1970

AWARD

1. This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by one Sri Ramsaran Mali, Guard of Balihari Colliery against the employer in relation to the Balihari Colliery (opp. party), alleging that the opposite party has been guilty of contravention of the provisions of section 33 of the Act.

2. The case of the complainant is that an industrial dispute regarding retrenchment of 376 workmen of Bahari Colliery is pending in reference No. 22 of 1968 before this Tribunal. The petitioner Sri Ramsaran Mali is a member of Hindustan Khan Mazdoor Sangh. Reference No. 22 of 1968 is being sponsored by the Hindustan Khan Mazdoor Sangh. The petitioner was dismissed on 29th July, 1967 while reference No. 22 of 1968 was pending before this Tribunal. The opposite party did not make any application before this Tribunal for approval of the action of the management in dismissing the petitioner Sri Jagu Hazam.

3. According to the petitioner he was innocent and had not committed any offence or misconduct. The petitioner was served with a chargesheet dated 2nd April, 1967. The charge was that he had uttered slang language to Shree Chandulal P. Mehta, Colliery Accountant and have misbehaved with him and threatened him, adopting a furious guessture and uttering "TUM KO DEKH LEGA" on 30th March, 1967 in the colliery office at about 3 p.m. and therefore, he had committed misconduct such as wilful insubordination under clause 29(1), and disorderly and indecent behaviour under clause 29(5) of the Standing Orders.

4. The petitioner submitted his written explanation on 15th April, 1967 denying the charges. According to the petitioner no enquiry was held and the dismissal of the petitioner was thoroughly *malafide* and was a case of victimization. The petitioner was an active member of Hindustan Khan Mazdoor Sangh and since he refused to become a member of pocket union backed by the management the petitioner was falsely implicated in a fabricated charge and has been victimised.

5. The action of the opposite party in withdrawing application under section 33(2)(b) of the Industrial Disputes Act, 1947 for approval of dismissal of the petitioner on the 8th of November, 1968 was *malafide*. In short, the case of the petitioner is that he was dismissed from service on 29th July, 1967 while reference No. 22 of 1968 was pending before this Tribunal and thus the opposite party has contravened the provisions of section 33 of the Industrial Disputes Act, 1947.

6. The opposite party has filed the written statement on 27th December, 1968. On facts it was stated that the chargesheet dated 2nd April, 1967 was issued to the complainant and he was suspended during enquiry. The petitioner submitted a reply to the chargesheet dated 15th April, 1967 denying the charges. Notices were issued, fixing the dates of enquiry which the complainant refused to attend on some baseless plea and in spite of repeated chances being given the complainant deliberately refused to attend the departmental enquiry, and therefore, it was held on 26th May, 1967, in his absence. In the departmental enquiry the misconduct mentioned in the chargesheet was satisfactorily established and the complainant was dismissed by letter dated 28th July, 1967 with effect from 29th July, 1967.

7. Reference No. 22 of 1968 was disposed of by an award dated 20th September, 1968. In this reference the opposite party under misapprehension of law had filed an application under section 33(2)(b) of the Industrial Disputes Act, 1947 for approval of dismissal of the petitioner. But the same was withdrawn by the opposite party on the 8th of November, 1968.

8. According to the opposite party the complainant was not a workman concerned in the reference No. 22 of 1968 and consequently the employers have not violated the provisions of Section 33 of the Industrial Disputes Act, 1947 and as such the present application is not legally maintainable. It was alleged that the dismissal of the complainant was legal, bonafide and based on proved misconducts. According to the opposite party they had also not violated any of the provisions of Section 33 of the Industrial Disputes Act, 1947 in dismissing the complainant. Since the complainant was not a workman concerned in reference No. 22 of 1968, the present application is not maintainable.

9. On behalf of the opposite party one witness was examined viz. Sri Chandulal P. Mehta, Accountant of the Bahari Colliery and 15 items of documents were exhibited and are marked as Ext. M-1 to M-15. On behalf of the complainant one witness was examined viz. Sri Ramsaran Mali and 10 items of documents were exhibited and were marked as Ext. W-1 to W-10.

10. The point for consideration is whether the opposite party have contravened the provision of section 33 of the Industrial Disputes Act, 1947?

11. There are certain admitted facts. Reference No. 22 of 1968 was originally referred to the Industrial Tribunal, Dhanbad by the Central Government's order No. 2/73/86-LRII dated the 9th of May, 1966 and thereafter it was transferred to

the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government's order No. 8/25/67-LRII dated the 31st of May, 1967. By the subsequent order No. 8/71/68-LRII dated the 13th of August, 1968, the Central Government transferred the dispute to this Tribunal. The reference was disposed of by the award dated 20th of September, 1968. The complainant was dismissed on 29th July, 1967. The opposite party had filed an application under section 33(2)(b) of the Industrial Disputes Act, 1947 for the approval of the dismissal of the petitioner but the same was later on withdrawn by the opposite party on the 8th of November, 1968. Therefore, the case of the complainant was that he was dismissed on 29th July, 1967 while the reference No. 22 of 1968 was pending before this Tribunal.

12. Before me the preliminary point was taken that the complainant Sri Ramsaran Mali was not a workman concerned with the dispute which was in question in reference No. 22 of 1968. It was not necessary for the management to file an application under section 33(2)(b). It was therefore, submitted by the opposite party that the present application under Section 33A is not maintainable.

13. The complainant Sri Ramsaran Mali was dismissed on the 29th of July, 1967. At that time reference No. 22 of 1968 was pending before this Tribunal. The case of the opposite party is that Sri Ramsaran Mali was not a workman concerned with the said dispute. Reference No. 22 of 1968 was for justification of retrenchment in respect to 376 workmen. In that case the management rescinded the retrenchment in respect to 127 workmen and the union agreed in respect to the retrenchment of the remaining 249 workmen and they received their retrenchment compensation. The name of the concerned workman Sri Ramsaran Mali appears at serial No. 357 of the order of reference. The award (Ext. M-14) in reference No. 22 of 1968 shows that the complainant Sri Ramsaran Mali whose name appears in serial No. 43 of list A was the workman who was taken back in service. Ext. M-15 is the notice dated 9th May, 1966 under the signature of Mr. Lobo, the manager of the colliery. 14. E. It shows that the retrenchment notice dated 31st March, 1966, served on Sri Ramsaran Mali, was withdrawn. The name of Sri Ramsaran Mali appears in serial No. 44 of Ext. M-15.

14. The point for determination is whether the complainant Sri Ramsaran Mali may be said to have been connected in the dispute in reference No. 22 of 1968 which was pending before this Tribunal?

15. The law on this subject is laid down by two important decisions of the Supreme Court in *New India Motors Private Ltd. V.K.T. Morris* (1960-I-LLJ., page 551) and *Digwadih Colliery V. Ramji Singh* (1964-II-LLJ., page 143). The combined effect of these two decisions of Supreme Court is that there must be some common feature in the nature of the dispute in the two cases which should serve as connecting link thereby rendering the workmen in the latter case also, workmen concerned in the dispute in the earlier case. In other words the mere fact that the same union has taken up the cause of the two workmen or else that by virtue of S. 18(3)-(b) of the Act all workmen may be bound by the award in the earlier dispute may not suffice unless there is some other common feature in the two disputes.

16. In the chargesheet dated 2nd April, 1967 that was issued to Sri Ramsaran Mali, the defence of Sri Ramsaran Mali was that he was innocent and that he was being victimised for his trade union activities. There is no question of victimization in respect to the concerned workman Sri Ramsaran Mali in reference No. 22 of 1968 as the opposite party had rescinded retrenchment in his case and agreed to take him back in service.

17. Therefore, the petitioner, Sri Ramsaran Mali was not the workman connected with the dispute in reference No. 22 of 1968.

18. The opposite party had filed an application under section 33(2)(b) of the Industrial Disputes Act, 1947 for approval but the same was ultimately withdrawn by the opposite party on 8th November, 1968. According to the opposite party they have filed the application under section 33(2)(b) of the Industrial Disputes Act, 1947 under misapprehension. There is nothing to prevent the employers from withdrawing the application made under proviso of section 33(2)(b) when the employers find that the application has been made under misapprehension.

19. In this view of the evidence I hold that the complainant Sri Ramsaran Mali was not a workman connected with the dispute which was in question in reference No. 22 of 1968. It was not necessary for the management to file an application for approval of the punishment by the Tribunal under section 33(2)(b). Therefore, this application under Section 33A is not maintainable.

20. The complaint under section 33A is held to be non-maintainable and my award therefore, is that this complaint is not maintainable. Let it be submitted to the Central Government.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

[No. 8/112/70-LRII.]

New Delhi, the 8th July 1970

S.O. 2428.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Companhia Mineira Dempo and Souza, Panjim, Goa and their workmen, which was received by the Central Government on the 24th June, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-34 of 1966

PARTIES:

Employers in relation to the management of Messrs. Companhia Mineira Dempo & Souza, Panjim, Goa

AND

their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers.—Shri P. K. Rele, Solicitor of Messrs. Grawford Bayley & Co.

For the workmen.—Shri Madan Phadnis, Advocate.

STATE: Union Territory of Goa.

INDUSTRY: Iron Ore Mining.

Bombay, dated 5th June 1970

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation by their Order No. 24/17/66-LRII, dated 7th July, 1966 have referred to this Tribunal for industrial dispute existing between the employers in relation to Mincira Dempo & Souza and their workmen in respect of the n the following Schedule:—

"SCHEDULE

1 Whether the management of Messrs. Companhia Mineira Dempo & Souza was justified in terminating the services of their workmen Sarvashri John C. Barreto, Alex Fernandes, Tukaram Sawant, Janardhan Baitkar, Vincent Nunes and Luis Lopez with effect from 6th December, 1965.

2. If not, to what relief are they entitled?"

2. The circumstances giving rise to this dispute may be stated in brief as follows:—

The employers Messrs Companhia Mineira Dempo and Souza own a mechanised mine at Bicholim and have about 450 workmen in their employ. The company has also its own power house for supplying power to the crushing plant. The building of the power house which is situated in the same compound has a basement which is *inter alia* used for storing spare parts, cables and other electrical materials. The company had effected wiring of their installation in the year 1961 and the electrical wires and cables which remained unused and were in stock were stored in the basement and were lying there since then. Whenever it was necessary the company's officers used to take pieces of the cables from that stock.

3. In the power house there were two big generators and including the supervisory staff 10 employees were working in it. The six workmen involved in this reference were working in the electric power house. Out of them four workmen

Shri Janardhan Baitkar, Assistant Electrician, Shri Alex Fernandez, Power House Operator, Shri Tukaram Sawant also Power House Operator and Shri John C. Barreto, Assistant Mechanic were permanent employees while the remaining two who were working as helpers were temporary.

4. On the 11th November, 1965 one employee Shri V. P. Sawant, Plant Electrician employed at the Power House reported to Shri Hode the plant in charge that he had learned through his brother Shri Tukaram Sawant one of the employees concerned that somebody had thrown open the pieces of cable after cutting them into pieces whereupon the matter was looked into and it was found that about 60 metres of cables were cut into pieces. The miscreant had stolen the copper wire inside and only the rubber insulation was lying. It was further found that the cables were not cut by a knife but they were cut by the cutters. About 54 metres of 4 core and 6 metres of 3 core were cut and the pieces were about 1 to 2 metres in length and thus there was theft of copper wire of about 60 metres worth about Rs. 600.

5. Thereupon the management decided to suspend the six workmen who were working in the electric power house. They issued suspension orders to the permanent employees and orally stopped the temporary workers from reporting to duty. The Manager directed the Labour Officer Shri Rao to hold a preliminary enquiry. Shri Rao issued notices and investigated the matter from 15th to 19th November, 1965 and submitted his report and the management on going through the same terminated the services of the six employees by letters of discharge for loss of confidence. The workmen who were the members of the Goa Mining Labour Welfare Union raised a dispute whereupon the Assistant Labour Commissioner (Central) Vasco da Gama admitted the dispute in conciliation but as it could not be settled made a failure report on which Government referred this dispute for adjudication.

6. The union by the statement of claim and rejoinder has alleged that the workmen concerned were suspended with effect from 12th November, 1965 without any reason. No enquiry as proposed to be held was ever held after the issue of the suspension orders. No charge-sheet was issued to the workmen concerned. The statements of witnesses were taken behind their back and they were not given any fair and reasonable opportunity to put up their defence against the charges and the order of discharge dated 6th December, 1965 was illegal and *mala fide*. It is contended that the management had not even suggested the prejudicial act alleged to have been contemplated or put into execution by the workmen which was likely to shake the confidence in them. The management did not hold an enquiry but only conducted one sided investigation and the order passed by the management was discriminatory in character. It also amounted to victimisation and was not in conformity with the provisions of the Industrial Disputes Act and the principles of natural justice. It is alleged that the workmen were the active members of the union and in order to create terror among the workers they were victimized and the story was fabricated and cooked. The workmen have been discharged on false and untrue charges and as the same is illegal they should be reinstated. The workmen were not in a position to secure any employment and they were starving and they should be reinstated with full back wages.

7. The employers have by their statement alleged that the management had held a preliminary enquiry between 11th November, 1965 and 19th November, 1965 and it was clear that the theft of the copper wire was not the job of an outsider. It was done by some of the workers acting in combination with each other and there was a conspiracy to commit theft. It is alleged that before deciding what action should be taken in the matter the management applied their mind; the theft was not of ordinary stores but was of valuable material which was in acute short supply and the management decided to take deterrent action and came to the conclusion that in the interests of the company's business it was not desirable to retain the suspended workmen in its service.

8. It is contended that ordinarily the company would have been fully justified in dismissing these workers after holding a regular enquiry but purely as a measure of leniency the management decided to discharge them from service for loss of confidence with effect from 6th December, 1965 on payment of one month's salary. They have denied the allegations about discrimination, victimization and *mala fides* and have contended that the workmen were discharged for want of confidence and it was not necessary to hold an enquiry. The order of discharge passed against the employees was not by way of punishment. The standing orders empowered the management to effect termination of service for reasons of loss of confidence by

giving a month's notice and the orders of discharge were issued in accordance with the principles of natural justice and the standing orders. The management cannot put any trust in such workmen and they are validly discharged and they are not entitled to any reinstatement.

9. In support of their contentions the employers have produced all the papers of the preliminary investigation. Both parties have filed affidavits of their witnesses who have been cross-examined and the question is whether the management was justified in terminating the services of the six workmen.

10. Out of the six workmen Shri Janardhan Baitkar died during the pendency of the reference and Shri Madan Phadnis the learned Counsel on behalf of the union has submitted that the issues referred should be considered only in respect of the remaining five workmen.

11. It is not in dispute that after the theft of the copper wire though the management suspended the four permanent workers and directed them by the same order to appear for the enquiry to be conducted in their office on the 15th November, 1965 no regular domestic enquiry was held and the Labour Officer Shri Rao has merely made preliminary investigations and recorded the statements of these workers and other persons who were frequenting the power house and were likely to know about the incident.

12. The Labour Officer Shri Rao made a report exhibit E-20 dated 19th November, 1965 and Shri Rele Counsel on behalf of the management has argued that as per clause 19 of the standing orders of the company the company has power to terminate the services of permanent employees by giving one month's notice or one month's pay in lieu of notice. After the preliminary investigation the company decided in the interests of the company's business to exercise their powers under the standing orders and terminated the services of the workmen for loss of confidence. The six workmen whose services were terminated were permanently working in the power house and the work of cutting the copper wire could not have been done in a day or two but must have been going on for a number of days. It must have been the affair of more than one person. There was no entrance to the basement except through the power house. None of the workers reported the matter to the authorities and from the circumstances also it was clear that the workmen concerned in the reference must have been involved in the commission of the theft and the management was justified in terminating the services of the workers for loss of confidence.

13. The learned Counsel has further argued that as the management has exercised the powers under the standing orders in terminating the services of the six workmen the orders are quite legal and it is for the employees to prove that the management has acted *mala fide* and it is for the union to establish that the order was illegal. They have not shown any motive against the management as to why the management should terminate their services and the contentions raised by the workers are groundless. The learned Counsel has relied upon the ruling reported in 1961 1 LLJ 488, 1966 II LLJ 602 and 1969 II LLJ 799 and 1970 1 LLJ 66.

14. Shri Phadke on behalf of the employees has argued that the employers had definitely made allegations of the misconduct of theft against the employees. They ought to have held a regular domestic enquiry and given full opportunity to the workers to meet the case against them and as the same has not been done the orders are *prima facie* illegal and void. The learned Counsel has relied upon the ruling reported in 1960 1 LLJ page 587 and 1960 II LLJ 226 and it has been argued that the order terminating the services of the workmen is not an order of discharge simpliciter but it an order of dismissal. It is a punitive order and as no opportunity has been given to the workers it is against the principles of natural justice and void.

15. The management had issued suspension orders to the employees in which it has been stated:—

"You are hereby suspended pending enquiry on the theft of copper wire from our Dhojdo Power House.

You are required to appear for an enquiry to be conducted in this office on Monday the 15th November, 1965 at 9 A.M.

This suspension order comes into effect from this afternoon."

Thus it appears that at first the management had intended to hold a regular enquiry against the workers for the misconduct of the theft of copper wire the property of the company. However, the Labour Officer who had conducted the preliminary enquiry merely recorded some statements without giving an opportunity to the workers to cross-examine witnesses. It is also clear that no regular charge-sheets were issued and after receipt of the findings of the preliminary investigation the management terminated the services of the six workers for loss of confidence. Thus it is clear that there was no further regular domestic enquiry and the question is whether the management can terminate the services of the employees after issue of the notices on the ground of loss of confidence as a result of the findings of the investigation.

16. The learned Counsel Shri P. K. Rele has placed strong reliance on the ruling of the Supreme Court in *Tata Engineering and Locomotive Company Ltd., and Prasad (S.C.)* and another reported in 1969 II LLJ page 799 which I have already quoted. It is true that from the facts of the case mentioned in this ruling it appears that the management had exercised the right to terminate the services of the employees under the contract of service and standing orders through the incident was merely investigated and there was no formal domestic enquiry. However it cannot be ignored that the decision of every case depends on its own facts. Their Lordships have in support of their conclusions given the instances of cases in which the orders of discharge simpliciter were passed after investigation. Their Lordships have observed:—

“There have been instances in *Jabalpur Electric Supply Company v. Sambhu Prasad Srivastava and others* (1962 II LLJ 216) where on a question arising whether the power exercised was one for simple discharge or was punitive for a misconduct it was held that it was the former even though an investigation had preceded the order.”

From these observations it will be clear that the order of discharge simpliciter will not be held to be mala fide even though preceded by mere investigation if the circumstances otherwise establish the bona fides of the management.

17. It is also clear from the judgment that their Lordships have examined the various circumstances appearing in that case and come to the conclusion that the management had considered all the circumstances. Their Lordships also found that the management did not take disciplinary action and held a domestic enquiry as there was already a case pending before the Magistrate. Their Lordships have observed:—

“The company had two alternatives either to act standing order 47 or to take disciplinary action and hold a domestic enquiry. But the latter course would have meant that the company would have to launch into an enquiry almost parallel to the one which was going on before the committing magistrate. If the company in these circumstances preferred the former it would not be reasonable to say as the Tribunal did that the company should have charged the workman with misconduct and held an enquiry. The fact that it did not do so but exercised its power understanding order 47 cannot render the order mala fide or one passed in colourable exercise of its power to discharge a workman from service if such power was properly exercised.”

18. Shri Rele on behalf of the management has argued that when the standing orders empowered the management to terminate the services of the employees by giving them notice the management was within its rights in terminating their services by an order of discharge simpliciter. It was a case of loss of confidence which is a subjective matter and this Court will not be justified in entering into the reasons justifying the loss of confidence.

19. It has been further argued that even if it be held that this Court has jurisdiction to examine the circumstances under which the order is passed there is sufficient evidence to show the bona fides of the employers. It has been contended that the six employees were full time workers in the power house and only these workers or some of them could have committed the theft. It must have been committed for a long time. They must have come to know about the same but none of them gave any intimation nor did they co-operate with the management in the enquiry and these circumstances justify the conclusion of the employers about the loss of confidence in them and there is no question of either mala fides or unfair labour practice or discrimination.

20. It is clear from the rulings quoted above that this Tribunal shall have to examine the circumstances to find whether the order passed by the management is one passed in colourable exercise of its powers or is punitive and the contention of the management that this Tribunal has no jurisdiction to go into the circumstances cannot be accepted. In this ruling itself it has been earlier observed:—

“No doubt the fact that the order was couched in the language of a discharge simpliciter is not conclusive. Where such an order gives rise to an industrial dispute its form is not decisive and the Tribunal which adjudicates that dispute can of course examine the substance of the matter and decide whether the termination is in fact discharge simpliciter or dismissal though the language of the order is one of simple termination of service. If it is satisfied that the order is punitive or mala fide or is made to victimize the workmen or amounts to unfair labour practice it is competent to set it aside. The test is whether the act of the employer is bona fide. If it is not and is a colourable exercise of the power under the contract of service or standing orders the Tribunal can discard it and in a proper case direct reinstatement.”

and I shall discuss the evidence and circumstances relied upon by the management against the six workmen.

21. The employers have examined two witnesses the Manager Shri Jaiiram Verenkar and the electrician Shri V. P. Savant. They have also produced the affidavits of these two witnesses and the papers of the preliminary investigation. The Manager in paragraph 5 of his affidavit has given the reasons for the loss of confidence and has stated:—

“The preliminary enquiry carried out by Shri S. V. K. Rao disclosed that the cables must have been cut and taken away with the connivance of all or some of the workmen working in the power house. It was also clear from the preliminary enquiry that the cables could have been cut and disposed of by persons working in the power house. The only persons who were working in the power house and who could have had access to the cables were Shri John Barreto, Shri Alex Fernandes, Shri Tukaram Samant, Shri Janardhan Baidkar, Shri Vincent Nunus and Shri Louis Lopes. However, since none of the workmen were prepared to co-operate with the company in the preliminary enquiry and since the preliminary enquiry disclosed that the cables could have been only cut and taken away by the workmen working in the power house and it could not be said with any certainty as to who were responsible for cutting the cables and taking them from the power house the company had no other alternative but to terminate the services of the permanent workmen simpliciter for loss of confidence. The company therefore terminated the services of the permanent workmen by the letter dated 6th December 1965 on the ground of loss of confidence.”

22. Before considering the reasons stated by the Manager it is worthwhile to note that in the basement of the power house the company used to store their spare parts and the reels and coils which remained unused. I have already mentioned that the company had effected the wiring of their installations at Hobdobo in 1961 and since then the bundels were lying there. It has come in evidence that whenever wire was required previously even for bona fide purposes of the company the electrician and other persons of the management used to cut the pieces from the bundles in the basement and there is nothing to show as to exactly when the alleged theft of the 60 meters of wire took place. The company's witness Shri V. P. Sawant has stated:—

“I have seen the copper cables of the company. They used to be kept in the workshop of the company. There were about six or seven reels of 60 to 70 meters length each. They were of different sizes such as 4 cores, 3 cores and 2 cores. I have cut copper cables as it is my work. We used to cut the wires with special cutters. The company had purchased six tool boxes and in each box there were two cutters one big and one small. We used to give work of cutting wires mainly to Janardan. Janardan used to cut the cables with the special cutters.”

“Expect myself and Janardan no other person was doing the work of cutting cables in the company. We did not give any account to

the company in respect of the length of the wires cut or used but we used to show to Janardan what length of wire was required to be cut. It is correct to say that neither myself nor the company knew how much cable was in fact cut by Janardan."

Thus it will be seen that pieces of wire were cut from the bundles since 1961 the year they were kept. There is no account of the wire cut from the bundle and there is absolutely nothing to show as to how much wire was utilised by the company.

23. The management has produced the report of the findings of the preliminary enquiry held by Shri Rao at exhibit E-20. The Manager has made this report as the basis of his conclusions. However, the findings of the enquiry officer against the employees except Shri Janardan Baidkar appear to be inferences without any supporting evidence. In paragraph 6 of the findings the enquiry officer has stated the various dates on which the various workers joined the company and has stated:—

"Shri Baidkar being the superior among the above staff he has been enjoying and regarded as their leader. They all except helpers Lopes and Nunus meet together each together and work together. It is therefore that their team work might have become helpful in the theft case."

The enquiry officer has further observed:—

"Mr. Baidkar as stated earlier is an experienced electrician who knows all about cables. He might have informed his associates named above that he would do the work of cutting open the cables at the basement and get the copper wires ready to be transported. Further he might have asked for the co-operative of his associates to ensure safety and secrecy and not to divulge any information to anybody outside their ring. They all might have agreed in giving him all help in consideration of some monetary benefit at a later stage when the wires would be disposed of."

All the inferences drawn in these observations are without any evidence or any foundation and ore ipse dixit and I do not think that any man can reasonably come to a conclusion that all the employees except Janardhan Baidkar had hand in the theft affair.

24. There is nothing in the record to show that Shri Baidkar was enjoying the position of a leader and was superior. It has come in evidence that there were two electricians V. P. Sawant and Baidkar and Shri Sawant was assigning work to Baidkar. Secondly the inference about conspiracy and team work because of meeting together for food also does not stand to reason as it will be seen from the evidence that besides the workers in the power house many Christian workers were taking food together in the power house. Witness Shri Fonseca has stated:—

"This means that every afternoon we five people meet together at the power house for taking food and gossiping. Sometimes Mr. Baidkar also joins us for talks. I go there for food with my other Christian friends although nobody has permitted me."

Then there were others from other departments also and it cannot be said from the circumstances that there may be a team work or ring and a conspiracy.

25. It is significant to note that the cable rolls were lying in the basement at a place deep into the hall and it is not likely for a person to come to know about the theft unless he goes to the cable rolls and observes. It appears that the basement is somewhat underground and gets flooded. Shri V. M. Fonseca has stated:—

"The cables are kept in a hall deep inside the basement. A lot of cables are there."

and considering the situation it is not likely to easily attract the attention of the person near the staircase. It has also come in evidence that the basement gets flooded and was actually flooded at about that time and even Tukaram Savant saw the rubber splinters when he was cleaning the soaked boxes as directed by the officer Shri Priolcar. He has stated:—

"On the 10th November under the instructions of Mr. Priolcar I went to the basement with a lady sweeper to remove the soaked wooden cases from the basement, and I saw some pieces of rubber insulation near the stair case".

Even witness Vimas Lamgaokar has stated:—

"On 10th November 1965 as per instructions from Mr. Tukaram Sawant I removed soaked wooden boxes from the basement. At that time Mr. Tukaram asked me to collect some sprinkled insulation pieces which were lying there."

She has further stated:—

"For the last one year I have been doing the work of sweeping the power house and I was clearing the basement of its water."

Thus it appears that the theft could be detected only when the soaked wooden cases were to be removed after the flooding of the basement and I do not think that it will be reasonable to infer that all the employees had knowledge about the theft and had kept it a secret from the management.

26. Secondly the contention of the management that the employee did not co-operate with the management in the enquiry also does not stand scrutiny. It is clear from the enquiry paper that Shri Lopez had stated before the enquiry officer that he has seen Shri Baidkar two or three times placing the copper wires with insulations in his hand bag in which he was bringing tiffin every day. He has stated:—

"About 15/20 days back I saw Mr. Baidkar two to three times in the afternoon, when he was placing the copper wires with insulations in his hand-bag in which he was bringing tiffin every day

"Although Mr. Baidkar keeps his hand-bag in the changing room I have often seen him taking the bag out from the basement at about 5-30 p.m. and proceeding straight to home with that bag. Two or three times in the afternoon I saw him coming out from the basement."

27. It is also clear from the evidence of Shri V. P. Sawant that it was Shri Tukaram Sawant who gave him the information which led to the theft being brought to light and the management. Shri V. P. Sawant has stated:—

"He (Tukaram Sawant) told me that somebody had thrown upon the pieces of cables after putting them into pieces. I immediately went with him to the power house where Tukaram showed me the cable pieces."

It is also further clear from the statement of Shri Sawant that when he was asked to measure the cables at the basement Shri Lopez and Tukaram Sawant both accompanied him and they collected the pieces and brought them to the floor and it is difficult to justify the conclusion that Tukaram Sawant and Lopez had not co-operated with the management or that they had any guilty conscience.

28. It is further clear from the evidence of Shri V. P. Sawant that the cables could be cut only with a special cutter. He has stated:—

"It (the cutter) was required only when we had to cut cables. Two core wires could be cut without the help of cutter but 3 and 4 core cables could not be cut without the help of cutter. Except myself and Janardan no other person was doing the work of cutting cables in the company."

He has further stated:—

"It is correct to say that myself and Shri Janardan only two persons can do the work of cutting properly. Others could not do that work fast. The wires which were cut in the theft were seen cut properly."

Thus in the evidence recorded by the Labour Officer there was sufficient material on the strength of which the management could have taken action against Shri Baidkar for the misconduct of theft. However, the management did not adopt that course. It took action against all the six workmen under clause 10 of the standing orders. I do not think that the action of the management to terminated the services of all the six workmen on the ground of loss of confidence would stand scrutiny of reasonableness. It is not supported by valid reasons and appears to be arbitrary.

29. The wording of the discharge order also will show that the management has not passed the order bona fide but it is a colourable exercise of their powers to terminate the services of permanent employees by notice. The letters of discharge run as follows.

Letter of Discharge

"You are aware of the investigations carried out into the theft of copper wires from our Dobadobo power house.

The investigations reveal that there is a serious doubt about your loyalty to the company as a result of which we cannot repose confidence on you any longer.

We are, therefore, constrained to treat your services as terminated with effect from the date of this letter. You are paid one month's pay in lieu of notice hereof.

Please sign and return the duplicate in token of having accepted this letter."

This letter clearly shows that the management terminated the services of the employees as a result of the investigation into the theft of copper wires and the question is whether this is an order of discharge simpliciter or an order of dismissal for misconduct.

30. It has been observed in the ruling reported in 1960 1 LLJ 587 (Assam Oil Co. Ltd., and its workmen):—

"If the contract gives the employer the power to terminate the services of his employees after the month's notice or subject to some other condition it would be open to him to take recourse to the said term or condition and terminate the services of his employee; but when the validity of such termination is challenged in industrial adjudication it would be competent to the industrial tribunal to enquire whether the impugned discharge has been effected in the bona fide exercise of the power conferred by the contract. If the discharge has been ordered by the employer in bona fide exercise of his power then the industrial tribunal may not interfere with it; but the words used in the order of discharge and the form it may have taken are not conclusive in the matter and the industrial tribunal would be entitled to go behind the words and the form and decide whether the discharge is a discharge simpliciter or not. If it appears that the purported exercise of the power to terminate the services of the employee was in fact the result of the misconduct alleged against him, then the tribunal will be justified in dealing with the dispute on the basis that despite its appearance to the contrary the order of discharge is in effect an order of dismissal. The exercise of the power in question to be valid must always be bona fide.

It is clear from the order or discharge itself that the management has lost the confidence in the workmen because of the result of the investigation of the theft cases. The wording in the letter of discharge that "the investigations reveal that there is a serious doubt about your loyalty," clearly shows that according to the management the employees had a hand in the theft case and were accomplices and the statement in my opinion clearly attributes the employee with the guilt of the theft. The discharge order itself casts aspersions on the employees against their integrity and it shall have to be held that the order is by way of punishment and is an order of dismissal.

31. The management has come to this conclusion because of the statements made before the Labour Officer by the various witnesses. These statements were recorded behind the back of the workers and from the wording of the order it can be said that though according to the management the employees had a hand in the commission of the misconduct they have resorted to the provisions of the standing orders and exercised the right to terminate their services with a view not to follow the procedure of the departmental enquiry and it shall have to be held that the order of the management is a colourable exercise of their power under the contract and is not justified.

32. It is significant to remember that there were about 9 or 10 employees who were connected with the power house and besides the six employees concerned in this reference witness Shri V. P. Sawant was the main person who used to go to the basement for cutting the wires. Himself and Baidkar were the only two persons who could cut the wire with the cutter and the sweeper and watchman were also persons who had connections with the power house. It has also come in evidence that so many employees working in the other sections used to come to the power house every day for taking their lunch sitting there for a long time and it is not known why the management has excluded some of these employees and there is much substance in the union's contention that the action of the management in exercising their right under the standing

orders against these six employees only is discriminatory and there are satisfactory reasons to interfere with the order passed. It is significant to remember that some of these dismissed employees i.e. four are permanent workers. They have worked in the company for more than seven years and the action of the management in terminating the services of all of them because of the incident of theft the time of which is not known cannot be said to be justified. It may be that one of them may have committed the act of theft but there is absolutely no reason to attribute the blame to others who are innocent and the order of the management deserves to be interfered with.

33. As regards the relief to which the employees are entitled, I have already observed that out of the six employees Janardan Baidkar died and there is no question of any relief in his favour. As regards the other employees it clear from the wording of the order that no employer will readily engage the discharged worker and by the discharge order the workers have been put to loss. I have held that the order of the management is not justified and ordinarily the employees would have been reinstated. However, it has come in evidence that the power house in which these employees had been working has been closed down from 29th January, 1969 as the employers are getting power supply from the Goa Government and hence there is no question of reinstatement and they will be entitled to get only compensation.

34. (a) The workman Shri Barretto after his discharge on 6th December, 1965 tried to get employment but he could not. He has stated that he was able to get employment only in July 1969 and he will be entitled to claim compensation equivalent to the amount of his salary till the date the power house was closed i.e. 29th January, 1969.

(b) Both Shri Lopez and Nunus were temporary. Shri Lopez has stated that he got employment in January 1966 as a helper mechanic. Shri Nunus has state¹ that he is without employment. As the time of the order no notice pay was given to both of them and they were stopped from work abruptly and being temporary they will be entitled to get compensation of one month's pay and allowances each.

(c) As regards Shri Tukaram Sawant it has come in evidence that at the time when the witnesses were examined in January 1970 he was employed with one Shri Vinayak Bandekar as a mechanic. However, there is no evidence to show for how long he was without employment. He was in the service of the company for about six years and it will be reasonable to grant him, compensation equivalent to six month's pay and allowances.

(d) As regards Shri Alex Fernandes he has stated that after the termination of his services he was staying with his parents. I have already held that the order of discharge was not proper. It has come in evidence that he joined the services of the company in the year 1960 and was in the company's employment for about five years and in my opinion he will be entitled to claim compensation equivalent to five months' pay and allowances.

34. The reference has been contested by the company toughly. Both the parties have examined witnesses and have argued the case at length. The reference is pending for the last four years and in my opinion the management should be directed to pay costs of Rs. 300 to the union.

Hence my award accordingly.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

[No. 24(17)/66-LR-II(LR-IV).]

New Delhi, the 10th July 1970

S.O. 2429.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Damodar Valley Corporation Bermo Colliery, Post Office Bermo, District Hazaribagh (Bihar) and their workmen, which was received by the Central Government on the 4th July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 28 OF 1969

PRESENT :

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES :

Employers in relation to the Damodar Valley Corporation Bermo Colliery.

Vs.

Their workmen.

APPEARANCES :

For employers.—Shri S. S. Mukherjee, Advocate.

For Workmen.—Shri A. D. Chandhury, Advocate.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, the 10th of June, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Damodar Valley Corporation Bermo Colliery, Post Office Bermo, District Hazaribagh and their workmen by its order No. 2/82/67-LRII dated the 29th of April, 1969, referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below—

SCHEDULE

"Whether the dismissal of Sarvashri Kapildeo Narain Singh, Son of Late Ishwar Dayal Singh; (2) Lakshman Singh, son of Sohrul Singh; (3) Nankeshwar Ram (No. 1) Son of Gobardhan Ram; (4) Abdul Satlar Son of Gulam Rasool; (5) Suleman Khan, Son of Lckman Khan and (6) Nandkeshwar Naik (No. 2), son of Somaru Naik, all workmen of Damodar Valley Corporation Bermo Colliery, by Notice No. CM/CR/1850, dated the 23rd May, 1963 issued under the signature of Shri S. S. Rao, Coal Superintendent and Agent, Damodar Valley Corporation Bermo Colliery was justified? If not, to what relief are they entitled?"

2. The Secretary, DVC Staff Association, DVC Bermo Colliery filed the written statement on behalf of the workmen on 17th June, 1969. In paragraphs one to six of their written statement they have stated the background of the case as follows:—

(1) In the DVC, Bermo Colliery there are about 1,300 workmen of which majority of members are of Association

(2) In the year 1962 there was also another employer's backed union namely Colliery Mazdoor Sangh of which the dismissed workmen in question were members but a large number of workmen including these dismissed workmen had to tender their resignation from the membership of the said Sangh in protest against the said Sangh's antilabour policies and connivance with the employer to prejudice the interest of the workmen and they, therefore, also decided to join the DVC Staff Association.

(3) This whole stand of the workmen could not be taken in good grace by the employer and its stooge leaders of the Sangh.

(4) The employer along with the leaders of the Sangh planned an on-slaught upon the dismissed workmen in particular as they decided to cut off their connection with the employer's backed Sangh.

(5) With a view to retaliate in very preplanned and mala fide manner issued charge sheets upon 21 workmen including the 6 workmen under reference bringing vague, sweeping, baseless, false, motivated and misconceived allegations against them.

(6) The workmen however, denied the allegations and prayed for impartial enquiry.

3. Paragraphs 7 to 10 of the written statement contain the material allegations. I set out the aforesaid paragraphs in extenso:—

3 (7) Thereafter, the employer without considering the explanation held a perfunctory and improper enquiry against all principles of natural justice.

(8) The employer selected very unfairly, the Enquiry Officer who had full personal knowledge and was biased all through.

(9) In the departmental enquiry the procedure adopted was all through unfair and against the principle of natural justice, in as much as....

(i) The charge-sheeted workmen were not permitted to cross-examine the employers' witnesses.

(ii) They were not allowed to be represented by Sri B. K. Prasad, a worker of this colliery.

(iii) The recordings were appearing to be incorrect and improper.

(iv) The proceeding was not explained or translated to the charge-sheeted workmen in their own languages.

(v) The chargesheeted workmen were not allowed to make their own statement.

(vi) The workmen were not allowed to produce their witnesses.

(vii) The workmen were not allowed to put their signature or thumb-impression.

(viii) The employer's witnesses were not examined in presence of charge-sheeted workmen and there are also other infirmities.

(10) The Enquiring Officer thereafter, came to perverse findings of guilt and his action was all through motivated, conspiratory and malafide.

4. It was further alleged that the management was determined to victimise the workmen in question, they did not deem it fit and proper to await the decision of the Munshif Magistrate Court, Giridih before whom a Criminal proceeding against these charge-sheeted workmen was pending on the same alleged charges. The employers were determined to finish the alleged proceedings and victimise these workmen before the judgment of the said court could come out. The concerned six workmen were acquitted by the learned Munshif Magistrate. In the judgment the Munshif Magistrate observed that Sri S. S. Rao who was the Enquiring Officer was an interested person in the prosecution case.

5. According to the Union the dismissal of the concerned six workmen was unjustified, malafide, unfair and they were dismissed by way of victimisation and they prayed for the relief of reinstatement with full back wages.

6. The employers filed their written statement on 23rd June, 1969. Their case is that in protest against the transfer of Sri Kapil Deo Singh, Junior Overman, from coal section to overburden section, on 13th January, 1963, the workmen mentioned in serial No. 3 to 6 along with others instead of reporting to their respective duties, were engaged in disorderly behaviour in the time officer. They prevented willing workers from reporting to their duties and caused damage to the work in progress.

7. For the above misconduct individual charge-sheets dated 14th January, 1963 were issued to the above workmen mentioned in serial No. 3 to 6.

8. The workman mentioned in serial No. 2 who had just then completed his night shift duty also joined the others in disorderly behaviours and in preventing willing workers and thereby causing damage to the work in progress.

9. The workmen mentioned in serial No. 1 wilfully disobeyed the order of transfer and was not only absent from duty but also instigated the workmen of 1st shift of 13th January, 1963 to absent from work and resort to disorderly behaviour which caused damage to the progress of work. For the above misconduct a charge-sheet dated 14th January, 1963 was issued to the workman mentioned in serial No. 1.

10. All the six workmen concerned in the present reference were suspended pending enquiry.

11. The departmental enquiry was held in presence of the concerned workmen wherein they were given full chance and opportunities to cross examine the witnesses and produce defence witnesses. It may be mentioned that the workmen actively participated in the enquiry and examined defence witness. They however, refused to put their signatures or L.T.I. although asked. At no stage they objected to the departmental enquiry being held by the Enquiring Officer. It may also be mentioned that the Enquiry Officer allowed the workmen to engage any other employee to assist them during enquiry which they refused. The enquiry was fairly and properly held after following the principles of natural justice.

12. The Enquiry Officer on the evidence on record held all the workmen guilty of the misconducts alleged against them and forwarded the same to the Addl. Chief Electrical Engineer for his consideration and necessary action. The officer in his turn sent his recommendation to the Corporation. The Corporation after considering all the facts and circumstances decided to dismiss the six concerned workmen and accordingly they were dismissed by letter dated 20th May, 1963 with effect from the date of suspension.

13. The State started the criminal proceeding after investigation by the Police and the Criminal Court acquitted the accused giving benefit of doubt.

14. The concerned workmen along with Sri B. K. Prasad were members of the Colliery Mazdoor Sangh at the relevant time.

15. Therefore, according to the employers the concerned workmen were dismissed for misconduct and the same was *bona fide* and hence they are not entitled to any relief.

16. On behalf of the management one witness was examined and he is MW-1 Sri S. S. Rao, Coal Superintendent and Agent, DVC Bermo Colliery, who held the departmental enquiry and 17 items of documents were exhibited on behalf of the management and they were marked as Ext. M-1 to M-17. On behalf of the workmen three witnesses were examined. They are WW-1 Nand Keshwer (No. 1), WW-2 Lakshman Singh and WW-3 Kapildeo Narain Singh workmen mentioned in serial Nos. 3, 2 & 1, respectively. The workmen also got exhibited 14 items of documents and they were marked as Ext. W-1 to W-14.

17. The point for consideration is whether the dismissal of these concerned six workmen mentioned in the schedule of the reference is justified?

18. In this case there were three sets of charges, 3 sets of replies to the chargesheets, 3 sets of enquiries and 3 sets of findings. Ext. M-1 is the chargesheet dated 14th January, 1963. It was issued to the concerned workmen mentioned in serial Nos. 3 to 6 viz. Nandkeshwer (No. 1), Nandkeshwer (No. 2), Suleman and Abdul Satar. The charges contained in the chargesheets were as follows:—

"1. They did not reported for their duties between 8 A.M. to 10 A.M on 13th January, 1963.

2. They were engaged in the disorderly behaviour at the time office.

3. They were found preventing willing workers from reporting to their duties".

19. Ext. M-2 is the reply to the chargesheet. They have denied the charges, and stated that they have been falsely implicated by one Sri Ram Das Babu, an official of the Colliery Mazdoor Sangh. Ext. M-11 is the enquiring proceedings and Ext. M-12 is the report of enquiry.

20. Ext. M 4 is the chargesheet dated 14th January, 1963 issued to Sri Lakshman Singh, workman mentioned in serial No. 2 of the reference. He was charged on the allegation that "on 13th January, 1963 between 8 A.M. to 10 A.M. he was found at the time office engaged in disorderly behaviour and was preventing some workers of 1st shift from reporting to their duties." Ext. M-5 is the reply to the chargesheet. He has denied the charges. He has stated in his reply that he has been implicated by Sri Ram Das Babu, an official of the Colliery Mazdoor Sangh. Ext. M-11 is the enquiry proceeding and Ext. M-12 is the enquiry report.

21. Ext. M-6 is the chargesheet dated 14th January, 1963 issued to Sri K. N. Singh, workman mentioned in serial No. 1 of the reference. He was charged on the ground that "he on 13th January, 1963 between 8 A.M. to 10 A.M. did not attend his duties in wilful disobedience of orders given to him regarding his duties earlier and he engaged in instigating the workers of 1st shift to absent from work and to resort to disorderly behaviour." Ext. M-7 is the reply to the

chargesheet. He has denied the charges and has stated that he was implicated on account of Sri Ram Das Babu, who was not pleased with him. Ext. M-11 is the enquiry proceeding and Ext. M-12 is the enquiry report. Ext. M-8 series are the letters of dismissal whereby the services of the concerned workman were terminated.

22. The domestic enquiry in respect of the workman mentioned in serial No. 3 to 6 viz. Nandkeshwar Ram (No. 1), Abdul Sattar, Suleman Khan, and Nandkeshwar Naik (No. 2) were held jointly, on 4th February, 1963 and 5th February, 1963. According to the union on 4th February, 1963 the workmen represented that the enquiry should not be held and it may be adjourned as the criminal case on the same facts was pending before the Munsif Magistrate and that they may be permitted to be represented by one Sri B. K. Prasad, an employee of the colliery. WW-1 Sri N. K. Ram (No. 1) workman mentioned in serial No. 3 has stated in his evidence that on 4th February, 1963 the enquiring was requested to adjourn the enquiry as their case was pending and they should be allowed to be represented by Sri B. K. Prasad. But the Enquiring officer did not consider their request. The same statement has also been made by WW-2, Lakshman Singh, workman mentioned in serial No. 2 and WW-3 Sri K. N. Singh, workman mentioned in serial No. 1 of the reference.

23. On 4th February, 1963 nine witnesses were examined on behalf of the management before the enquiring officer and on 5th February, 1963 14 witnesses were examined on behalf of the management. All together 23 witnesses were examined during the enquiry proceeding. After the close of the examination in chief of the aforesaid 23 witnesses the concerned workman Sri Suleman, workman mentioned in serial No. 5 of the reference and 3 others were asked by the enquiring officer whether they would be cross-examine the witnesses produced by the management. According to the Enquiring report they refused to cross-examine the witnesses of management and they stated that they had no witness in their defence. MW-1 Sri S. S. Rao, the Enquiring Officer has stated in his evidence that the chargesheeted persons requested him that first let the examination in chief of all the witnesses of the management be completed and thereafter they would cross-examine the Co's witnesses at the same time. But the witness admitted in his evidence that he had not made any such record immediately after the examination of the Co's witness.

24. The enquiry in respect to Sri L. Singh, workman mentioned in serial No. 2 was started on 6th February, 1963. No witness on behalf of the management was examined in his case. It was represented on behalf of the management that all the witnesses produced before the enquiring officer in connection with the chargesheets issued against the aforesaid four workman mentioned in serial No. 3 to 6 on 4th February, 1963 and 5th February, 1963 would suffice, and Sri L. Singh was asked whether he would cross-examine any of the witnesses produced by the management so far on 4th February, 1963 and 5th February, 1963. According to the management he replied that he did not want to cross-examine any of the witnesses. In the enquiry proceeding on 4th February, 1963 and 5th February, 1963 I do not find that the name of Sri L. Singh or K. N. Singh appear and that they were present on those dates.

25. Similarly in the case of K. N. Singh the enquiry started on 17th February, 1963 at 3 P.M. No witness on behalf of the management was examined in his case and the management's case was that Sri K. N. Singh was asked whether he had any intention to cross-examine the witnesses produced by the management on 4th February, 1963 and 5th February, 1963. But Sri K. N. Singh replied that he had no intention to cross-examine any of the witnesses of the management and he also stated that he had no witness to examine. Therefore, according to the union no workman was allowed to cross-examine the management's witness immediately after the examination in chief. All together 23 witnesses have been examined on 4th February, 1963 and 5th February, 1963 in respect to the chargesheets issued against the workmen mentioned in serial Nos. 3 to 6. There is no record that the workmen were asked to cross-examine the witnesses immediately after the close of the examination in chief of each witnesses. The enquiry proceeding on the other hand shows that they were asked to cross-examine the witnesses after the completion of the examination in chief of all the 23 witnesses. In the case of Sri L. Singh and K. N. Singh no witness was produced and so there is no question of cross-examination. WW-1 Sri N. K. (No. 1) has stated in his evidence that the Enquiring Officer did not give him any opportunity to cross-examine the Co's witnesses and that the enquiry officer did not give any opportunity to give his own statement and that the Enquiring Officer did not give any opportunity to bring his defence witness.

26. Similarly WW-2 Sri L. Singh has stated in his evidence that on 4th February, 1963 the Enquiring Officer asked him and Sri K. N. Singh to go out as their enquiry would not be held on that date and that it would be held on subsequent date and therefore, they went away. Even on 5th February, 1963 he was asked to go out as there was no enquiry against him. He further stated that he refused to cross-examine the witnesses because they were not examined in his presence.

27. Similarly Sri K. N. Singh, WW-3 has stated in his evidence that on 7th February, 1963 Sri S. S. Rao, the Enquiring Officer asked him to cross-examine the Co's. witnesses in respect to the other workmen. But he refused to cross-examine them because they were not examined in his presence.

28. In industrial enquiries the question of the *bona fide* or *mala fides* of the employer is often at issue. It is sometimes alleged that the employer was actuated by a desire to victimise a workman for his trade union activity. These are the reasons why domestic enquiries in industrial matters should be held keeping scrupulous regard for the requirements of natural justice. Care must always be taken to see that these enquiries are not reduced to empty formality.

29. In the case of Su Enamel and Stamping Works Limited and their workmen the Supreme Court has made the following observations [1963(2) L.L.J., 367]:—

"It has been laid down by the Supreme Court in a series of decisions that if an industrial employee's services are terminated after a proper domestic enquiry held in accordance with the rules of natural justice and the conclusions reached at the enquiry are not perverse the industrial tribunal is not entitled to consider the propriety or the correctness of the said conclusions. In a number of cases which have come to Supreme Court in recent months, we find that some employers have misunderstood the decisions of Supreme Court to mean that the mere form of an enquiry would satisfy the requirements of industrial law and would protect the disciplinary action taken by them from challenge. This attitude is wholly misconceived. An enquiry cannot be said to have been properly held unless, (i) the employee proceeded against has been informed clearly of the charges levelled against him, (ii) the witnesses are examined—ordinarily in the presence of the employee—in respect of the charges, (iii) the employee is given a fair opportunity to cross-examine witnesses, (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter and (v) the enquiry officer records his findings with reasons for the same in his report."

30. In dealing with domestic enquiries held in industrial matters, the fact should be borne in mind that in a large majority of cases employees are likely to be illiterate and ignorant. Hence the witnesses on whose testimony the employer relies in support of the charge against the workman should generally be examined in the presence of the opponent and he must also be informed about the material sought to be used against him and then given an opportunity to explain it. The employer should take steps first to lead evidence against the workman charged, give an opportunity to cross-examine the said evidence and then should ask the concerned workman whether he wants to give any explanation about the evidence led against him.

31. Similarly in the Meengles Tea State and its workmen's case reported in 1963(II) L.L.J., page 392, their Lordships have observed that "It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence in support of the charge and to put such relevant questions by way of cross-examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the barest requirement of an enquiry of his character and this requirement must be substantially fulfilled before the result of the enquiry can be accepted."

32. In the case of Associated Cement Companies Limited reported in 1963(II) L.L.J.-396 their Lordships have made similar observations as quoted below:—

"It is necessary to emphasize that in domestic enquiries, the employer should take steps first to lead evidence against the workman charged, give an opportunity to the workman to cross-examine the said evidence and then should the workman be asked whether he wants to give any explanation about the evidence led against him."

33. In the inogent case we find that no such opportunity was given to the chargesheeted workman mentioned in serial Nos 3 to 6. In the case of Sri K. N. Singh and Gulsaran the statements of the management witnesses were recorded behind their back and they were not produced before the chargesheeted workmen and the question of cross-examination in their case does not arise. The enquiry proceeding therefore, suffers from serious infirmities.

34. Ext. W-6 in the chargesheet dated 14th January, 1963 issued to Sri K N Singh. The relevant portion of the chargesheet runs as follows:—

"On 13th January, 1963 between 8 A.M. to 10 A.M., you, in wilful disobedience of order given to you regarding your duties in earlier were found not only absent from your duties but engaged in instigating the workers of 1st shift to absent from work and to resort to disorderly behaviour"

The chargesheet does not state what specific order was given to him and whose order he disobeyed.

35. Before domestic enquiry against an offending employee starts, it is essential to serve him with a chargesheet setting out specifically all charges and necessary particulars. The object of furnishing a chargesheet is to give an opportunity to the person who is charged with misconduct to defend himself and to give a proper explanation, after knowing the nature of the offence with which he is charged otherwise it will amount to his being condemned unheard. The charges, which a person is called upon to meet, must, therefore, be clear, precise and accurate. Fair hearing presupposes a precise and definite catalogue of charges, so that the person charged may understand to effectively meet them. If the charges are imprecise or indefinite, the persons charges would not be able to understand them and defend himself effectively, and the result would not be a fair and just enquiry.

36 In the instant case the chargesheet was imprecise and indefinite and there were also other serious infirmities in conducting the domestic enquiry.

37. Ext. M-12(3) is the enquiry report in respect to Sri WW (No 1), Suleman and Abdul Sattar, and W.W. (No. 2) the workmen mentioned in serial Nos. 3 to 6 of the reference. They were charged on the allegation that they did not report to their duties between 8 to 10 A.M. on 13th January, 1963. They were engaged in disorderly behaviour at the time office. They were engaged in preventing willing workers from reporting to their duties. But the enquiry officer further found that the action of the aforesaid chargesheeted persons on 13th January, 1963 at 8 A.M. amounted to strike and that it was an unjustifiable strike. Therefore, the Enquiring Officer came to the conclusion that in the present case the strike was both illegal and unjustifiable and therefore, he recommended the punishment of termination of services of these workmen.

38 Ext. M-12(2) is the enquiry report in respect to Sri Lakshman Singh. Sri L. Singh was charged on the allegation that he was engaged in disorderly behaviour on 13th January, 1963 near the time office between 8 A.M. to 10 A.M. and found preventing willing workers going to their duties. The Enquiring Officer found Sri L. Singh guilty on both the charges. He further found that during the enquiry it came to light that Sri L. Singh was instigating the workers in his shift on the night of 12th January, 1963 to go on strike from 13th January, 1963. But there was no charge in the chargesheet for the occurrence of 12th January, 1963.

39. In this connection I may quote the Supreme Court case of Punjab National Bank reported in 1959(II), L.L.J. page 666 at page 679. Their Lordships observed that "there is another principle which has to be borne in mind when the tribunal deals with an industrial dispute arising from the dismissal of an employee. We have already pointed out that before an employer can dismiss his employee he has to hold a proper enquiry into the alleged misconduct of the employee and that such an enquiry must always begin with the supply of a specific chargesheet to the employee. In Lakshmi Devi Sugar Mills Limited, it has been held by this Court that in dealing with the merits of the dismissal of an employee the employer would be confined to the chargesheet given by him to his employee when an enquiry was held into his conduct. It would not be open to the employer to add any further charges against the employee and the case would have to be considered on the original chargesheet as it was framed. It is significant that in the case of Lakshmi Devi Sugar Mills Limited [1957-L.L.J., page 17], this Court was apparently inclined to take the view that the additional acts of insubordination on which the appellant mills wanted to reply would have justified the employee's dismissal but

even no it was not allowed to raise that plea because the said plea had not been included in the original chargesheet. It therefore, follows that where a proper enquiry has been held by the employer and findings recorded against the employee that the principles laid down by this Court in the case of Indian Iron and Steel Company, Limited (Supra) [1958-1-L.L.J.260] would be applicable and in applying the said principles, the employer would be confined to the grounds put out by him in his chargesheet against the employee."

40. In the instant case I find that the Enquiring Officer was influenced by the additional act of misconduct of the aforesaid persons and this was a serious infirmity in the enquiry proceeding.

41. The case of the union is that they were victimised on account of union rivalry. The concerned workman had to resign the membership of the colliery Mazdoor Sangh because it was a pocket union of the employers and joined the DVC. Staff Association and on this account the employers were annoyed with the concerned workman and they were dismissed.

42. Ext. W-13 is the copy of the resignation letter dated 27th December, 1962, submitted by the workman to the President of the Colliery Mazdoor Sangh. It contains their thumb impressions and signatures. In the reply to the chargesheet Ext. M-2, M-5 and M-7 they have clearly stated that Sri Ram Das Babu, an official of the Colliery Mazdoor Sangh was not pleased with them as he was demanding subscription for purchasing the jeep which these workmen objected. WW-1 Sri N. K. Ram (No. 1) has stated in his evidence that Sri Ram Das Babu, Secretary of the Colliery Mazdoor Sangh was harassing the workmen in various ways and was also demanding subscription for the purchase of a jeep. Similarly WW-2 has also stated in his evidence that Sri Ram Das Babu was illegally demanding money from the workmen for the purchase of a jeep and was harassing them. WW-3 is Sri H. N. Singh. He has also stated in his evidence that previously they were members of the Colliery Mazdoor Sangh and subsequently they resigned the membership of the Union and Ext. W-13 is the resignation letter and at present they are the members of the DVC. Staff Association since January, 1963. Therefore, according to the Union the management victimised them on account of their trade union activities.

43. The employee is entitled to security of service and should be protected against wrongful dismissals, and so the normal rule would be reinstatement in such cases. Nevertheless in unusual or exceptional cases the tribunal may have to consider whether in the interest of the industry itself, it would be desirable or expedient not to direct reinstatement. As in many other matters arising before the industrial courts for their decisions this question also has to be decided after balancing the relevant factors and without adopting any legalistic approach.

44. In the Supreme Court case of workmen of Motipur Sugar Factory (Private) Ltd. reported in 1965 (II) L.L.J., page 162, their Lordships observed as follows:—

"In either case, if the enquiry is defective or if no enquiry has been held as required by the standing order the entire case would be open before the tribunal and the employer would have to justify on facts as well that its order of dismissal or discharge was proper. A defective enquiry stands on the footing as no enquiry and in either case the industrial tribunal would have jurisdiction to go into the facts and the employer would have to satisfy the tribunal that on facts the order of dismissal or discharge was proper.

45. Similarly in the Supreme Court case of Punjab National Bank reported in 1959 (II) L.L.J., page 666, their Lordships have observed as follows:—

"It follows that if no enquiry has in fact been held by the employer, the issue about the merits of the impugned order of dismissal is at large before the tribunal and on the evidence adduced before it, the tribunal has to decide for itself whether the misconduct alleged is proved and if yes, what would be proper order to make in such a case, the point about the exercise of managerial functions does not arise at all."

46. Similarly in the Ritz Theatre Ltd's case reported in 1962 (II) L.L.J., page 493, their Lordships of the Supreme Court observed as follows:—

"If it appears that the departmental enquiry held by the employer is not fair in the sense that proper charge had not been served on the employee or proper or full opportunity had not been given to the

employee to meet the charge, or the enquiry has been affected by other grave irregularities vitiating it, then the position would be that the tribunal would be entitled to deal with the merits of the dispute as to the dismissal of the employee itself. The same result follows if no enquiry has been held at all. In other words, where the tribunal in dealing with a dispute relating to the dismissal of an industrial employee, if it is satisfied that no enquiry has been held or the enquiry which has been held is not proper or fair or that the finding recorded by the enquiring officer are perverse, the whole issue is at large before the tribunal."

47. The concerned workmen had filed a petition which was received by the management on 5th February, 1963. In that petition they asked permission to keep Sri B. K. Prasad, a worker of DVC Colliery to remain in the enquiry on behalf of the workmen. But ultimately Sri B. K. Prasad was not permitted to represent the chargesheeted persons. The Standing Order Ext. M-15 does not provide that the chargesheeted persons can take the help of his co-workers. It has been laid down in the Supreme Court case of Dunlop Rubber Company (India) Ltd., reported in 1965(1) L.L.J., page 426, as follows:—

"It has been held in the decisions in 1960-II L.L.J. 228 and 1961-II L.L.J. 417 that there is no right to representation at the disciplinary enquiry against an industrial employee unless the company has recognised such right under the Standing Orders. Refusal to allow representation by any union unless the Standing Orders confer that right does not vitiate the proceeding."

48. In the instant case it is to be noted that the workmen were illiterate and the proceeding was recorded in English. The record does not speak that the contents were read over and explained to the witnesses. As many as 23 witnesses were examined on behalf of the management. Therefore, the demand of the concerned workmen for the representation by Sri B. K. Prasad was not unreasonable. It was fair on the part of the management to allow Sri B. K. Prasad to represent the case of the workmen.

49. Therefore, though in a domestic enquiry representation by a stranger, in the absence of a provision to that effect in the Standing Order, may be refused to a workman; denial of assistance of a co-worker when the chargesheeted worker is an illiterate person would amount to a denial of fair opportunity. Therefore, in the instant case I find that the workmen were denied the opportunity for not being represented by Sri B. K. Prasad.

50. Ext. W-1 is the written report dated 13th January, 1963 by Sri S. S. Rao, the Coal Superintendent and Agent of DVC. Bermo Colliery to the Officer-in-charge, Bermo Police Station on the basis of which the F. I. R. was drawn. Ext. W-9 is the copy of the judgment of the Munshif Magistrate, Giridih Court dated 24th of February, 1964. There was a criminal case against the concerned six workmen on the same facts. Chargesheeted persons were charged under section 143 and 341 I.P.C. The learned Munshif Magistrate acquitted the accused persons by their judgment dated 24th February, 1964.

51. In the domestic enquiry the concerned six workmen were chargesheeted on 14th January, 1963. The enquiry was held from 4th February, 1963 to 7th February, 1963. The enquiry report was submitted on 15th February, 1963 and 16th February, 1963 and they were dismissed with effect from the 13th of January, 1963 by letter dated 23rd May, 1963. Therefore, the entire domestic enquiry beginning from the chargesheet to the dismissal of the concerned workmen was passed during the pendency of the criminal case against the concerned workmen on the same facts.

52. In the case of Tata Oil Mills Co. Ltd. and their workmen, reported in 1964 (II) L.L.J., page 133 their Lordships made the following observations:—

"It is desirable that if the incident giving rise to a charged framed against a workman in a domestic enquiry is being tried in a criminal court the employer should stay the domestic enquiry pending the final disposal of the criminal case. It would be particularly appropriate to adopt such a course where the charge against the workman is of a grave character, because in such a case it would be unfair to compel the workman to disclose the defence which he may take before the criminal court. But to say that domestic enquiries may be stayed pending criminal trial is very different from anything that if an employer proceeds with the domestic enquiry in spite of the fact that the criminal trial is pending, the enquiry for the reason alone is vitiated and the conclusion reached in such an enquiry is either bad in law or *mala fide*."

53. In another Supreme Court case of Delhi Cloth and General Mills Ltd., reported in 1960 (I) L.L.J., page 520 their Lordships observed as follows:--

"It is true that very often employers stay enquiries pending the decision of the Criminal Court and that is fair; but principles of natural justice does not require that an employer must wait for the decision of the Criminal Trial Court, before taking action against an employee. But if the case is of a grave nature or involves question of fact or law, which are not simple, it would be advisable to await the decision of the trial Court, so that the defence of the employee in the criminal case may not be prejudiced."

54. In the instant case the criminal case against the concerned workmen was pending during the period the domestic enquiry was being held and the concerned workmen could not have made a statement in the domestic enquiry because it would be unfair to compel them to disclose their defence before the Criminal Court. Had they made the statement before the domestic enquiry the defence of the concerned workmen in the Criminal case would have been prejudiced. Therefore, it would have been fair on the part of the management to stay the enquiry pending the decision of the criminal case. The concerned workmen could not have defended themselves effectively before the domestic enquiry during the pendency of the criminal trial. The enquiry therefore, is not fair.

55. On behalf of the union it is alleged that the management selected the enquiring officer who had personal knowledge and was biased against the concerned workmen. In this case the Enquiring Officer was Sri S. S. Rao, the Coal Superintendent and Agent of DVC Bermo Colliery. Ext. W-1 is the written report dated 13th January, 1963 by Sri S. S. Rao to the Officer-in-charge, Bermo Police Station on the basis of which the F.I.R. was lodged. On his written report a case was constituted against the concerned six workmen. Ext. W-9 is the copy of the judgment delivered by the Munshif Magistrate on 24th February, 1964 against these concerned workmen who were charged under section 143 and 341 I.P.C. The learned Munshif Magistrate has observed in his judgment that Sri S. S. Rao, who was PW-11 came to the place of occurrence and saw the six concerned workmen preventing some workers from going to join their duties. In the criminal trial he was an eye witness of the occurrence. The learned Munshif Magistrate did not believe the testimony of Sri S. S. Rao on the ground that he was an interested witness. Ext. W-12 is the deposition of Sri Rao before the Munshif Magistrate. Before the Magistrate he has stated that he reached the place of occurrence at about 8 A.M. Therefore, he had personal knowledge about this occurrence. Therefore, I find in this case that the Enquiring Officer had personal knowledge of the occurrence in the question.

56. In the Associated Cement Co's case reported in 1963(II)L.L.J., page 390, Gazendragadkar J. has made the following observations:--

"If an officer himself sees the misconduct of a workman, it is desirable that the enquiry should be left to be held by some other person who does not claim to be an eye-witness of the impugned incident. As we have repeatedly emphasized, domestic enquiries must be conducted honestly and *bona fide* with a view to determine whether the charge framed against a particular employee is proved or not, and so care must be taken to see that these enquiries do not become empty formalities. If an officer claims that he had himself seen the misconduct alleged against an employee, in fairness steps should be taken to see that the task of holding an enquiry is assigned to some other officer."

57. An enquiry can not be said to be held properly when the person holding the enquiry begins to rely on his own knowledge or statement. This is because justice must not only be rendered but must also appear to be rendered. If, from the record of the domestic enquiry, it is patent that there was a likelihood of bias in the person who conducted the enquiry, the enquiry would be vitiated. Therefore, I find that the manner in which the enquiry was conducted could hardly ensure fair-play which the rules of natural justice require.

58. In the result I hold that the Enquiring Officer Sri S. S. Rao was biased against the concerned workmen. The domestic enquiry was not done fairly. It was vitiated by violation of principles of natural justice and hence the order of dismissal must be held to be invalid and unjustified. The concerned workmen are therefore, entitled to be reinstated with continuity of service and with full back wages with effect from the 23rd of May, 1963.

59. This is my award. It may be submitted to the Central Government under section 13 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

[No. 2/82/67-LR. II.]

S.O. 2430.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post Office Patherdih, District Dhanbad and their workmen, which was received by the Central Government on the 1st July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD

REFERENCE No. 79 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A.M.L.,—Presiding Officer.

PARTIES:

Employers in relation to the management of Bhulanbararee Colliery.

Versus

Their workmen.

APPEARANCES:

For employers.—S/Shri S. S. Mukherjee, Advocate & J. N. P. Sahi, Labour Adviser.

For workmen.—None appeared.

INDUSTRY: Coal.

STATE: Bihar

Dhanbad, dated the 22nd of June, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Bhulanbararee Colliery of Messrs. Bhulanbararee Coal Company Limited, Post Office Pathardih, District Dhanbad and their workmen by its order No. 2/91/69-LRI dated the 23rd of October, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the stoppage of work of Shri Baldeo Kahar, Prop Mistry with effect from the 25th November, 1968 by the management of Bhulanbararee Colliery of Messrs Bhulanbararee Coal Company Limited, Post Office Pathardih, District Dhanbad, is justified? If not, to what relief is the workman entitled?”

2. Employers filed their written statement on 14th of November, 1969 and the General Secretary, filed the statement on behalf of the workman on 18th November, 1969. The matter was fixed for hearing on the 25th of February, 1970. On that date none appeared on behalf of the workmen. Subsequently the hearing was adjourned to 25th March, 1970. Both the parties appeared on that date. On behalf of the employers a petition was filed before this Tribunal praying for a ‘NO DISPUTE’ award in the the matter on the following grounds:—

1. That Sri Baldeo Kahar the workman concerned in the present reference has since died.
2. That on account of the death of the workman concerned, the dispute referred to this Hon’ble Tribunal does no longer survive.
3. That on account of the death of Sri Baldeo Kahar no effective award can be given by this Tribunal.

3. A prayer was made on behalf of the workman for adjournment. Prayer was granted and the case was fixed for hearing on the 1st of May, 1970. On 1st May, 1970 none on behalf of the workmen appeared. The hearing was then adjourned

to 10th June, 1970. On 10th June 1970 none appeared on behalf of the workman nor any petition was received for adjournment. Apparently it appears that the Union is no more interested in pursuing the matter as the workman concerned is dead.

4. In these circumstances, I presume that no dispute further exists between the parties and I record a 'NO DISPUTE' award between the parties.

5. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Sd/- SACHIDANAND SINHA,
Presiding Officer,
Central Govt. Industrial Tribunal (No. 3),
Dhanbad.

[No. 2/91/69-LR-II.]

S.O. 2431.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the Bhowra Colliery of Messrs Karamchand Thapar and Brothers (Private) Limited, Central Office, Post Office Bhowra District Dhanbad, and their workmen, which was received by the Central Government on the 3rd July, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 45 OF 69

PRESENT:

Shri Sachidanand Sinha, M.A.M.L.,—Presiding Officer.

PARTIES:

Employers in relation to the management of Bhowra Colliery of M/s. Karamchand Thapar and Bros. (P) Ltd.

Vs.

Their workmen.

APPEARANCES:

For employers.—Shri B. M. Lall.—Personnel Officer.

For workmen.—Shri Ram Mitra, Secretary Bihar Koyala Mazdoor Sabha.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 27th June, 1970

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery of Messrs Karamchand Thapar and Brothers (Private) Limited, Central Office, Post Office Bhowra, District Dhanbad and their workmen, by its order No. 2/209/68-LR-II dated the 3rd of July, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the demand of Shri M. M. Nandi, Mechanical Fitter in Bhowra Colliery of Messrs Karamchand Thapar and Brothers (Private) Limited, Central Office, Post Office Bhowra (Dhanbad) for placing him in Category VI, as per recommendations of the Central Wage Board for Coal Mining Industry, is justified? If so, to what relief is the workman entitled?"

2. The Secretary, Bihar Koyala Mazdoor Sabha filed the written statement on behalf of the workman on 8th October, 1969, and the employers filed their written statement on 15th April, 1970. But it is unnecessary to state the respective cases of the parties because they have settled the dispute amicably.

3. They have filed a joint petition of compromise which has been verified by Sri S. N. Mukherjee, Agent of Bhowra Colliery on behalf of the management and by Sri Ram Mitra, Secretary, Bihar Koyala Mazdoor Sabha on behalf of the workmen. According to the terms of compromise the concerned workman Sri M. M. Nandi, will be placed in Cat. VI with effect from 15th August, 1967, and he will be paid a sum of Rs. 1558.42 only in lump-sum being the arrear wages for the period from 15th August, 1967, to 31st March, 1970.

4. The terms of compromise are fair and reasonable and are accepted. Accordingly I pass an award in the terms of the joint petition of compromise, a copy of which is annexed with the award. This may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3 DHANBAD.

REFERENCE No. 45/68

Employer in relation to Bhowra Colliery.

Vs.

Their workmen.

Joint application on behalf of the parties for compromise. The parties above named beg to submit as under:—

That the Government of India, Ministry of Labour and Employment referred the above dispute to this Hon'ble Tribunal for adjudication.

That the parties have compromised the dispute on the following terms:—

- A. That Sri M. M. Nandi, will be placed in Cat. VI with effect from 15th August, 1967.
- B. That he will be paid a sum of Rs. 1,558.42 paise only in lump sum being the arrear wages for the period from 15th August, 1967, to 31st March, 1970.
- C. That the parties would bear their own costs.

That the above mentioned terms of settlement may kindly held responsible and justified, and Award passed accordingly

And for this act of kindness your petitioners as in duty bound shall ever pray.

Sd/- Illegible,
For Employers.

Sd./- Illegible,
26-6-70

For Workman.
Sd./- RAM MITRA,
26-6-1970.

C/o. Bhowra Kankanee Colliery Ltd.,
Bhowra Colliery,
P.O. Bhowra,
Distt. Dhanbad.

[No. 2/209/68-LR. II.]

ORDERS

New Delhi, the 7th July 1970

S.O. 2432.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Shankarpur Colliery, Post Office Ukhra, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of Shankarpur Colliery, Post Office Ukhra, District Burdwan was justified in not allowing Sarva Shri Sekh Asgar and Magsood Shariff from the 8th April, 1970, Rafiq Shariff from the 9th April, 1970 and Mohammad Hussain, No. 2 Istahar, Sekh Alauddin, Masgool Show, Asoke Bowri, Seikh Satter, Sekh Masrab, Nijam Shariff, Sekh Samsuddin, Bhutka Bowri, No 1 Istahar, Sekh Rashid, Asik Shariff, Sekh Jabbar from the 10th April, 1970 to resume their duties? If not, to what relief these workmen are entitled?”

[No. 1/31/70-LR.II]

आदेश

नई दिल्ली, 7 जुलाई, 1970

का०आ० 2432.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में शंकरपुर कोलियारी, डाकघर उखरा, जिला बर्दवान के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार, औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या शंकरपुर कोलियारी, डाकघर उखरा, जिला बर्दवान के प्रबन्धतन्त्र का सर्वश्री शेख असगर और मकसूद शरीफ को 8 अप्रैल, 1970 से, रफीक शरीफ को 9 अप्रैल, 1970 से और मोहम्मद हुसैन, सं० 2 इस्तहार, शेख अनाउद्दीन, मसगूल शो, असोक बौरी, शेख सत्तार, शेख मसरब, निजाम शरीफ, शेख समसुद्दीन, भुटका बौरी, सं० 1 इस्तहार, शेख रशोद, आसिक शरीफ शेख जब्बर को 10 अप्रैल, 1970 से अपनी ड्यूटी पुनारम्भ न करने देना न्याययोचित था ? यदि नहीं, तो ये कर्मकार किस अनुतोष के हकदार हैं ।

[सं० 1/31/70-एल० आर० 11]

S.O. 2433.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Methani Colliery of Messrs Equitable Coal Company Limited, Post Office Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the promotion of Shri Santosh Dey as Despatch Clerk Grade I and Shri Amarnath Mukherjee as Assistant Despatch Clerk Grade II has been deliberately and unjustifiably delayed and if so to what relief are they entitled?"

[No. 6/22/70-LR II]

का० अ० 2433.—यतः केन्द्रीय सरकार की राय है कि हमसे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इक्विटेबल कोल कम्पनी, लिमिटेड, डाकघर भीतारामपुर, जिला बर्दवान की मैथानी कोलियारी के प्रबन्ध तन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

"क्या श्री संतोष डे की डिस्मिच क्लर्क श्रेणी 1 के रूप में और श्री अमरनाथ मुखर्जी की सहायक डिस्मिच क्लर्क श्रेणी 2 के रूप में प्रोन्नति में जानबूझकर और अन्यायपूर्ण रूप से विलम्ब किया गया था और यदि ऐसा है तो वे किस अनुतोष के हकदार हैं?"

[म० 6/22/70-एल० आर० II]

New Delhi, the 10th July 1970

S.O. 2434.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of the South Jharia Colliery, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the dismissal of the undermentioned 24 workmen by the management of South Jharia Colliery, Post Office Jharia, District Dhanbad is justified? If not, to what relief are the workmen concerned entitled?"

S. No.	Name	Designation	Date of dismissal
1.	Rasana Deswari	Stowing-Kamin	28-2-1970
2.	Chapi Deshwali	—do—	—do—
3.	Janki Bhumij	—do—	—do—
4.	Dashi Bagtin	—do—	—do—

S. No	Name	Designation	Date of dismissal
5.	Khandi Gwalin	Stowing-Kamin	28-2-1970
6.	Rasana Rajwar	—do—	—do—
7.	Sarubala Rajwar	—do—	—do—
8.	Mithila Muchi	—do—	—do—
9.	Balsakhi Bouri	—do—	—do—
10.	Kamala Deshwali	—do—	—do—
11.	Pano Mudi	—dg—	—do—
12.	Kapura Bouri	—do—	—do—
13.	Radhi Rajwar	—do—	—do—
14.	Arun Bagti	—do—	—do—
15.	Manta Bouri	—do—	—do—
16.	Kajola Bouri	—do—	—do—
17.	Prasanna Bouri	—do—	—do—
18.	Bimala Rajwar	—do—	—do—
19.	Gana Dushadh	Trammer	24. 2. 1970
20.	Dhorah Gope	—do—	—do—
21.	Sriram Dusad	—do—	—do—
22.	Thelu Mian	—do—	—do—
23.	Ramrich Dusadh	—do—	—do—
24.	Rajkumar Kumhar	Miner	—do—

[No. 2/62/70-LRII.]

नई दिल्ली, 10 जुलाई 1970

का० अ० 2434.—यतः, केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में साउथ झरिया कोलियारी, डाकघर झरिया, जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या साउथ झरिया कोलियारी, डाकघर झरिया, जिला धनबाद के प्रबन्धतन्त्र का नीचे वर्णित 24 कर्मकारों को पदच्युत करना न्यायोचित्य है ? यदि नहीं, तो सम्बद्ध कर्मकार किस अनुतोष के हकदार है ?

क्रम सं०	नाम	पदाभिधान	पदच्युति की तारीख
1	रसना देशवाली	भराई कामिन	28-2-1970
2	चपी देशवाली	—यथोक्त—	—यथोक्त—
3	जानकी भूमिज	—यथोक्त—	—यथोक्त—

क्रम सं०	नाम	पदाभिधान	पदस्थिति की तारीख
4	दाशी बगतीन	भराई कामिन	18-2-1970
5	खन्दी ग्वालिन	-यथोक्त-	-यथोक्त-
6	रसना रजवाड़	-यथोक्त-	-यथोक्त-
7	ससबाला रजवाड़	-यथोक्त-	-यथोक्त-
8	मिथिला मुची	-यथोक्त-	-यथोक्त-
9	बैशाखी बीरी	-यथोक्त-	-यथोक्त-
10	कमला बेशवाली	-यथोक्त-	-यथोक्त-
11	पनो मुठी	-यथोक्त-	-यथोक्त-
12	कपूरा बीरी	-यथोक्त-	-यथोक्त-
13	गधी रजवाड़	-यथोक्त-	-यथोक्त-
14	अरुण बगती	-यथोक्त-	-यथोक्त-
15	मन्ता बीरी	-यथोक्त-	-यथोक्त-
16	कजोला बीरी	-यथोक्त-	-यथोक्त-
17	प्रसन्ना बीरी	-यथोक्त-	-यथोक्त-
18	बिमला रजवाड़	-यथोक्त-	-यथोक्त-
19	गण दुषध	ट्रेमर	24-2-1970
20	घोराह गोप	-यथोक्त-	-यथोक्त-
21	श्रीराम दुसद	-यथोक्त-	-यथोक्त-
22	थेलुमियां	-यथोक्त-	-यथोक्त-
23	रामबिरिच दुसध	-यथोक्त-	-यथोक्त-
24	राजकुमार कुम्हार	खनक	-यथोक्त-

[सं० 2/62/70 एल० आर० II]

S.O. 2435.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sendra Bansjora Colliery of Messrs Sendra Bansjora Colliery Company (Private) Limited, Post Office Bansjora, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refer the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3) Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the dismissal of Shri Basudeo Prasad Mohali, Clerk Grade-II with effect from the 17th December, 1969 by the management of Sendra Bansjora Colliery of Messrs Sendra Bansjora Colliery Company (Private) Limited, Post Office Bansjora, District Dhanbad is justified? If not, to what relief is the workman concerned entitled?”

[No. 2/69/70-LR. II.]

का० प्र० 2435.—यतः केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स सेन्ट्र बन्सजोरा कोलियारी कम्पनी (प्राइवेट) लिमिटेड, डाकघर, बन्सजोरा, जिला धनबाद की सेन्ट्र बन्सजोरा कोलियारी के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कमकारों के लिए बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

“क्या मैसर्स सेन्ट्र बन्सजोरा कोलियारी कम्पनी (प्राइवेट) लिमिटेड, डाकघर, बन्सजोरा, जिला धनबाद की सेन्ट्र बन्सजोरा कोलियारी के प्रबन्धतन्त्र का श्री बसुदेव प्रसाव मोहाली, लिपिक श्रेणी 2 को 17 दिसम्बर, 1969 से पदच्युत करना न्यायोचित्य है ? यदि नहीं तो सम्बन्धित कर्मकार किस अनुतोष का हकदार है ?

[सं० 2/69/70—एल० आर० II.]

S.O. 2436.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Jagda Mining Works, Monopoly Contractors, Jagda Dolomite Quarry of Messrs. Bisra Stone Lime Company Limited and their workman in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri U. N. Mishra, as Presiding Officer, Additional Industrial Tribunal with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

“Whether the action of the management of Messrs. Jagda Mining Works, Monopoly Contractors, Jagda Dolomite Quarry of Messrs. Bisra Stone Lime Company Limited in dismissing Shri Kripal Singh, Mechanic with effect from the 24th October, 1969 was justified? If not, to what relief the workman entitled?”

[No. F. 12/10/70-LR-IV.]

P. C. MISRA, Under Secy.

का० प्र० 2436.—यतः केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स बिसरा स्टोन लाइम कम्पनी लिमिटेड की जगदा डोला माइट क्वैरी के माँतों पोली कन्स्ट्रक्टर, मैसर्स जगदा माइनिंग वर्क्स, के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कमकारों के बीच एक औद्योगिक विवाद विद्यमान है ,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है जिसके पठासीन अधिकारी श्री यू० एन० मिश्रा, और औद्योगिक प्रधिकरण दू गो, जिनका मुख्यालय भुवनेश्वर होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण ही न्यायनिर्णयन के लिए निर्देशित करती है।

अनुमोची

'क्या मैसर्स बिसरा स्टोन लाइम कम्पनी लिमिटेड की जगदा डालोमाइट क्वैरी के म नोपाली कन्स्ट्रक्टर्स, मैसर्स जगदा माइनिंग वर्क्स, के प्रबन्ध तन्त्र की श्री कृपाल सिंह, मैकेनिक को 24 अक्तूबर, 1969 से पदच्युत करने की कार्यवाही न्यायपूर्ण थी? यदि नहीं, तो कर्मकार किस अवतार का हकदार है।

[स० 12/10/70 एल० आर० IV]

पी० सी० मिश्र, अबर सचिव

(Department of Labour and Employment)

New Delhi, the 7th July 1970

S O. 2437.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Messrs National Transport Company, Madras, and their workmen, which was received by the Central Government on the 2nd July, 1970

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Thursday the 18th day of June, 1970

PRESENT:

Thiru S Swamikkannu, B Sc, M L., Industrial Tribunal, Madras

INDUSTRIAL DISPUTE NO 91 OF 1968

(In the matter of the dispute for adjudication U/s. 10(1)(d) of the I. D. Act 1947, between the workmen and the management of M/s. National Transport Company, Madras)

BETWEEN

The General Secretary, Madras Port and Dock Workers Congress, 11, Phillips St, Madras

AND

The Manager, M/s National Transport Company, Basin Bridge Power House, Madras-12.

REFERENCE

Order No 29/42/68-LR III dated the 21st November, 1968 of the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) Government of India, New Delhi

This dispute coming on this day for final disposal upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallalgar G Venkataraman and A L Somayajee Advocates for the workmen and of Thiru V G Swaminathan, Advocate for the management and the parties, having filed a memo of compromise and recording the same this Tribunal made the following

AWARD

This is a Central Government reference in respect of an Industrial Dispute between the employers in relation to M/s National Transport Company, Madras and their workmen in respect of the dismissal of Shri M K Zakkariah, Driver

2. Claim statement was filed on 20th February, 1969 and the counter was filed by the management on 18th March, 1969.

3. Today, parties are present. They file a memo of compromise signed by the parties. Recorded. An award is passed in terms of the compromise. The terms of the compromise shall be an annexure to the award.

(Sd.) S. SWAMIKKANNU,
Industrial Tribunal.

List of Witnesses Examined:
For both sides: None.

List of Documents Marked:
For both sides: Nil

Terms of the Compromise

1. In view of the fact that the management offers to pay Rs. 1250 to Sri Zackriah whose dismissal is the subject matter of this dispute and the claimant Union accepts to receive the same for and on behalf of the workmen, the parties hereto report this dispute as settled out of court. The worker Zackriah gives up all his claims against the respondent including reinstatement.

2. Parties hereto pray that this memo of compromise may be published along with the award as part of the award.

Dated at Madras on this the 18th day of June, 1970.

Sd./-
For Management (Manager)

Sd./- S. M. NARAYANAN,
For claimant/Union,
General Secretary.

Sd./- V. G. SWAMINATHAN,
Counsel for Management.

Sd./- G. VENKATARAMAN,
Counsel for claimant/Union.
Ms. 24.6/

[No. 29/42/63-LR.III/P & D.]
C. RAMDAS, Dy. Secy.

(Department of Labour and Employment)

ORDER

New Delhi, the 6th July 1970

S.O. 2438.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chartered Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. P. Gupta shall be the Presiding Officer, with headquarters at Allahabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether Shri Syed Karrar Panjatan, driver of the car provided by the Chartered Bank to its Manager at Kanpur is entitled to be absorbed in the regular services of the bank? If so, from what date?"

[No. 23/65/70-LR.III.]
S. S. SAHASRANAMAN, Under Secy.

(अव और राजगार विभाग)

आवेश

नई दिल्ली, 6 जलाई, 1970

का० आ० 2438—यत केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में चार्टर्ड बैंक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यत: केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद-द्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके श्री के० पी० गुप्ता पीठासीन अधिकारी होंगे जिनका मुख्यालय इलाहाबाद होगा, और उक्त विवाद उक्त अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है ।

अनुसूची

“क्या श्री सैयद करार पंजतन, जो उस कार का चालक है जिसकी व्यवस्था चार्टर्ड बैंक ने अपने कानपुर के प्रबन्धक के लिये कर रखी है, बैंक की नियमित सेवा से आमेलित किये जाने का हकदार है ? यदि हां, तो किस तारीख से ?”

[मंख्या 23/65/70/एल० आर० III]

एस० एस० सहस्रनमन, अवसर सचिव ।

